

**DOCKET FOR REGULAR COUNCIL MEETING OF
MONDAY, AUGUST 6, 2001 AT 2:00 P.M.
TABLE OF CONTENTS**

SPECIAL ORDERS OF BUSINESS

ITEM-30:	Approval of Council Minutes.	5
ITEM-31:	Gloria Serrano-Medina Day.	5
ITEM-32:	Keith Flitner Day.	6

ADOPTION AGENDA, CONSENT ITEMS

**ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING
WITH THE READING AND ADOPTION:**

* ITEM-50:	Ban of Caulerpa Taxifolia (“Killer Algae”).	8
* ITEM-51:	Kilroy Carmel Mountain Technology Center Rezone.	8

ADOPTION AGENDA, CONSENT ITEMS

**ORDINANCE TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING
AND ADOPTION:**

* ITEM-52:	Tax Rate Ordinance for Fiscal Year 2002.	9
------------	---	-------------------

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED:

* ITEM-53:	Ellen Browning Scripps Elementary School and Spring Canyon Neighborhood Park - Lease and Joint Use Agreement.	9
------------	---	-------------------

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCE TO BE INTRODUCED, RESOLUTION TO BE ADOPTED:

* ITEM-54:	<u>Two</u> actions related to Pershing Middle School - Joint Use Agreement and Improvements.	10
------------	--	--------------------

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCE TO BE INTRODUCED:

* ITEM-55:	Transfer of the Non-Exclusive Solid Waste Collection Franchise.	12
------------	--	--------------------

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-100: Two actions related to Advertising for Bids for Sewer Group Job 652. . [13](#)
- * ITEM-101: Three actions related to Carmel Valley Maintenance Assessment District [15](#)
- * ITEM-102: Three actions related to Bay Terraces Maintenance Assessment District. [17](#)
- * ITEM-103: Three actions related to Central Commercial Maintenance Assessment District. [19](#)
- * ITEM-104: Three actions related to Coral Gate Maintenance Assessment District. . [20](#)
- * ITEM-105: Three actions related to First San Diego River Improvement Project Maintenance Assessment District. [22](#)
- * ITEM-106: Three actions related to Little Italy Maintenance Assessment District. . . [24](#)
- * ITEM-107: Three actions related to Miramar Ranch North Maintenance Assessment District. [26](#)
- * ITEM-108: Three actions related to Mira Mesa Maintenance Assessment District. . [28](#)
- * ITEM-109: Four actions related to Newport Avenue Maintenance Assessment District. [30](#)
- * ITEM-110: Three actions related to Rancho Bernardo Maintenance Assessment District. [31](#)
- * ITEM-111: Three actions related to San Diego Street Light Maintenance Assessment District No. 1. [33](#)
- * ITEM-112: Three actions related to Scripps-Miramar Ranch Maintenance Assessment District. [35](#)
- * ITEM-113: Three actions related to Sorrento Hills Maintenance Assessment District [37](#)
- * ITEM-114: Three actions related to Stonecrest Village Maintenance Assessment District. [38](#)
- * ITEM-115: Three actions related to Tierrasanta Maintenance Assessment District. . [40](#)
- * ITEM-116: Three actions related to Washington Street Maintenance Assessment District. [42](#)

* ITEM-117: <u>Three</u> actions related to Webster/Federal Boulevard Maintenance Assessment District.	43
* ITEM-118: Easement Abandonments - Empire Centre.	45
* ITEM-119: Miramar Trunk Sewer Realignment - Exchange of Easements.	45
* ITEM-120: <u>Two</u> actions related to 38th and Redwood Streets Burn Site - Additional Property Acquisition.	47
* ITEM-121: <u>Two</u> actions related to Award of Matching Grant from the California Integrated Waste Management Board for the 38 th and Redwood Streets Burn Site Project.	48
* ITEM-122: Solid Waste Local Enforcement Agency (LEA) Application for Waste Tire Grant.	49
* ITEM-123: Fiscal Year 2002 Proposed San Diego Data Processing Corporation (SDDPC) Budget.	50
* ITEM-124: Renewal and Continued Participation in the California State Association of Counties - Excess Insurance Authority (CSAC-EIA), a Joint Power Authority.	51
* ITEM-125: Settlement of the Personal Injury Claims of Nick and Betty Prokop. ...	52
* ITEM-126: Council District 6 - FY 2002 Community Development Block Grant Program.	53
* ITEM-127: Reprogramming of District 8 CDBG Funds.	54
* ITEM-128: San Ysidro/Otay Mesa Traffic Signal Interconnect.	55
* ITEM-129: Roadrunner Neighborhood Park - Tot Lot ADA Upgrade.	57
* ITEM-130: Ventura Place Entryway Project.	58
* ITEM-131: South Bound Truck Route - Otay Mesa - Fund Transfer and Additional Expenditures.	59
* ITEM-132: Larsen Field Multipurpose Field Improvements.	61
* ITEM-133: <u>Three</u> actions related to the Final Subdivision Map of Ocean View Hills Corporate Center Unit No. 2.	62

* ITEM-134: Talmadge Day.	63
* ITEM-135: Harlem West Fest Day.	64
* ITEM-136: Diagonal Parking on the West Side of 13 th Street Between E Street and G Street.	64
* ITEM-137: Commercial Vehicle Prohibition on “A” Street.	65
* ITEM-138: Angle Parking on Hawley Boulevard.	66
* ITEM-139: San Diego 18 Flow Control Facility - Third Amendment to the Agreement with San Diego County Water Authority (CWA).	67
* ITEM-140: Fourth Amendment to the agreement with Conwell Shonkwiler and Associates, for professional services required for the development of the Point Loma Library.	68
* ITEM-141: <u>Two</u> actions related to First Amendment to Park Development Agreement - Dennery Ranch Neighborhood Park No. 2.	69
* ITEM-142: El Camino Real - First Amendment with Earth Tech.	71
* ITEM-143: First Amendment to Agreement - Hearst Joint Use Area.	72
* ITEM-144: Amendment With Moffatt and Nichol Engineers.	73
* ITEM-145: Winterwood Lane Community Park - Second Amendment to Consultant Agreement.	75
* ITEM-146: Cooperative Agreement - Improvements to Interstate 5 in the University Community Area.	76
* ITEM-147: Agreements related to the Ballpark and Redevelopment Project, and Convention Center Expansion.	77
* ITEM-148: Office Space Lease - Police Department.	79
* ITEM-149: Conflict of Interest Code for the Ethics Commission.	80
* ITEM-150: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.	80
* ITEM-151: Amendments to Council Policy 500-02 “Taxicab Permits.”	81

* ITEM-152: Agreement with - MWH Americas, Inc. for Research on Equipment. . .	82
* ITEM-153: Awarding the Contract for Telemetry Control Systems - SCADA - Phase IId.	84
* ITEM-154: Sewer Pump Stations 25, 31, 32, 33, and 40 - Consultant Agreement. . .	85
* ITEM-155: Agreement for Black Mountain Reclaimed Water System - Gap Project.	87
* ITEM-156: <u>Three</u> actions related to Mid-City Maintenance Assessment District Sub- Districts 1, 2, 4, 12 and 13.	88

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS
COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS:

ITEM-160: <u>Two</u> actions related to the Award of Design-Build Contract to J. R. Filanc Construction for the Construction of the Otay River Pump Station. . . .	90
ITEM-161: <u>Two</u> actions related to Approving the Plans and Specifications and Inviting Bids for the Construction of El Capitan Reservoir Road Improvement.	93
ITEM-162: Ultra-Low Flush Toilet (ULFT) Incentive Program.	95

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-200: FY 2002 Health Insurance Agreements - Kaiser and PacifiCare.	96
ITEM-201: PacifiCare Behavioral Health Agreement.	97
ITEM-202: Group Health Agreement - PacifiCare.	98

PUBLIC NOTICES:

ITEM-250: SUBMISSION OF BALLOT PROPOSALS	99
ITEM-251: Notice of Pending Final Map Approval for “Porto Siena” and “Riviera Del Sol Unit 3.”	100
ITEM-252: Settlement of the Personal Injury Claim of Mara Gordon.	101
ITEM-253: Settlement of the Claim of Ortiz Corporation, Inc. for the Construction of Home Avenue Trunk Sewer, Contract #2.	102

**DOCKET FOR REGULAR COUNCIL MEETING OF
MONDAY, AUGUST 6, 2001 AT 2:00 P.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS - 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101**

ITEM-1: ROLL CALL.

ITEM-10: INVOCATION.

ITEM-20: PLEDGE OF ALLEGIANCE

SPECIAL ORDERS OF BUSINESS

ITEM-30: Approval of Council Minutes.

TODAY'S ACTION IS:

Approval of Council Minutes for the meetings of:

06/11/2001
06/12/2001
06/18/2001
06/19/2001
06/25/2001 Adjourned
06/26/2001
07/02/2001 Adjourned
07/03/2001 Adjourned

SPECIAL ORDERS OF BUSINESS

ITEM-31: Gloria Serrano-Medina Day.

DEPUTY MAYOR STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-760)

Commending Gloria Serrano-Medina for her dedicated service to the City of San Diego;

Proclaiming August 6, 2001 to be “Gloria Serrano-Medina Day” in San Diego.

SPECIAL ORDERS OF BUSINESS

ITEM-32: Keith Flitner Day.

COUNCILMEMBER MAIENSCHIEIN’S RECOMMENDATION:

Adopt the following resolution:

(R-2002-66)

Recognizing August 6, 2001 as “Keith Flitner Day” in San Diego for his commitment in making Mira Mesa a better place to live for his fellow community members.

SUPPORTING INFORMATION:

Keith Flitner has been an admired and active member of the Mira Mesa Community. Keith serves on numerous boards. He has been the past president of Mira Mesa's Town Council serving from 1998 to 2000; co-representative on the Citizen Advisory Committee for School Board Member Sue Braun in 1995; a member of the Mira Mesa Landscape Maintenance Assessment District Committee since 1995 and has been the Chair since 1996; and a member of the Mira Mesa Community Planning Group Board from 1997 to 1999. He has spent numerous hours participating in the Mira Mesa Town Council Scholarship Committee and also served as Chair of the Traffic Safety Sub-Committee, Chair of the Mira Mesa Street Fair and the Annual Clean Day since 1999, and was also co-leader of the Daisy Girl Scouts in 2000. Keith was also voted as the 2000 Volunteer of the Year in Mira Mesa and became an Elder at the Mira Mesa Presbyterian Church in 2000. Keith exemplifies commitment, drive and loyalty which are demonstrated on a routine basis, admirably impacting the Mira Mesa Community. Therefore, this action proclaims August 6, 2001 to be “Keith Flitner Day.”

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NON-AGENDA PUBLIC COMMENT

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject**, regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT

REQUESTS FOR CONTINUANCE

The Council will now consider requests to continue specific items.

CONSENT ITEMS

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (*). In addition, other items thought to be routine or non-controversial and without any "Request to Speak" slips in opposition may be taken as part of the Consent Agenda.

PLEASE NOTE: ITEMS LISTED ON TODAY'S CONSENT AGENDA (ITEMS 50 - 156) THAT ARE PULLED BY THE COUNCIL OR MEMBER OF THE PUBLIC FOR DISCUSSION WILL BE TRAILED AND DISCUSSED AFTER ITEMS ON THE ADOPTION AGENDA (ITEMS 200 - 202).

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Items 50 and 51.

ORDINANCES TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING AND ADOPTION:

Item 52.

ORDINANCES TO BE INTRODUCED:

Items 53 and 55.

ORDINANCE TO BE INTRODUCED, RESOLUTION TO BE ADOPTED:

Item 54.

RESOLUTIONS TO BE ADOPTED:

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, and 156.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-50: Ban of Caulerpa Taxifolia ("Killer Algae").

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/23/2001. (Council voted 9-0):

(O-2001-171)

Amending Chapter VI, Article 3, of the San Diego Municipal Code by adding Division 15, Sections 63.1501 through 63.1505 relating to Possession, Sale, and Disposal of the Genus Caulerpa, also known as "Killer Algae."

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:

* ITEM-51: Kilroy Carmel Mountain Technology Center Rezone.

(RZ-99-1351. Rancho Bernardo Community Area. District-5.)

CITY COUNCIL'S RECOMMENDATION:

Adopt the following ordinance which was introduced on 7/24/2001. (Council voted 9-0):

(O-2001-174)

Rezoning 13.3 acres located at 15435 and 15445 Innovation Drive, into the IP-2-1 Zone (previously referred to as the M-IP Zone).

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCE TO BE INTRODUCED, READY FOR DISPENSING WITH THE READING AND ADOPTION:

- * ITEM-52: Tax Rate Ordinance for Fiscal Year 2002.

(See City Manager Report CMR-01-159.)

CITY MANAGER'S RECOMMENDATION:

Introduce and adopt the following ordinance:

(O-2002-21)

Introduction and adoption of an Ordinance fixing the tax rates and levying taxes for the Fiscal Year 2001-2002.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES TO BE INTRODUCED:

- * ITEM-53: Ellen Browning Scripps Elementary School and Spring Canyon Neighborhood Park - Lease and Joint Use Agreement.

(Miramar Ranch North Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2002-14)

Introduction of an Ordinance authorizing the City Manager to execute an agreement with the San Diego Unified School District for the construction, operation, maintenance and lease of turf recreational facilities and parking facilities at the Ellen Browning Scripps Elementary School site.

NOTE: 6 votes required pursuant to Section 99 of the City Charter.

CITY MANAGER SUPPORTING INFORMATION:

The Spring Canyon Neighborhood Park is located in the Miramar Ranch North community at Spring Canyon Road and Scripps Poway Parkway, within the boundaries of the San Diego Unified School District. A new elementary school is proposed at the intersection of Spring Canyon Road and Scripps Poway Parkway, and is bordered by the park to the south and east. The San Diego Unified School District requested joint use of Spring Canyon Neighborhood Park to meet their school requirements. The joint use area will include approximately 4.8 acres of existing turf ball fields and approximately 0.4 acres of existing paved parking facilities located on City property, and approximately 1.4 acres of new paved parking facilities located on School District property. The new Ellen Browning Scripps Elementary School is a temporary facility and will be removed in six years, at which time the joint use agreement will expire. All new temporary improvements, including modifications to the existing park facilities, will be constructed by the School District at their expense. All improvements installed by the School District will be removed by the School District at their expense upon termination of the lease.

The school and joint use area are currently being constructed and are expected to be completed by September 2001.

FISCAL IMPACT:

Costs for utilities and grounds maintenance of the joint use area will be borne by the San Diego Unified School District and reimbursed to the City on a quarterly basis. The costs for graffiti removal and litter collection will be shared equally by the City and the School District. The annual maintenance cost to the City is reduced. The School District will pay 100 percent of the cost of turf maintenance that the City was paying (\$32,000). The City maintenance costs are increased for litter control and graffiti removal (\$4,200). There will be a net reduction in City maintenance responsibilities of \$27,800.

Loveland/McLatchy/DVW

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCE TO BE INTRODUCED, RESOLUTION TO BE ADOPTED:

- * ITEM-54: Two actions related to Pershing Middle School - Joint Use Agreement and Improvements.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2002-15)

Introduction of an Ordinance authorizing the City Manager to execute a twenty-five year agreement for the construction, operation, maintenance, and lease of turfed fields and recreation facilities at Pershing Middle School with the San Diego Unified School District.

NOTE: 6 votes required for Subitem A pursuant to Section 99 of the City Charter.

Subitem-B: (R-2002-155)

Authorizing the City Manager to execute an agreement with Pershing Middle School Foundation, a California nonprofit public benefit corporation, for the construction of turfed fields and recreational facilities;

Authorizing the expenditure of an amount not to exceed \$175,000 from Capital Outlay Fund No. 30244, for Capital Improvement Program CIP-29-531.0, for providing funds for the project;

Authorizing the appropriation and expenditure of an amount not to exceed \$66,633.65 from Park and Recreation Matching Funds, Fund No. 10365, for CIP-29-531.0 for providing funds for the project;

Amending the Fiscal Year 2001 Capital Improvements Program budget by increasing CIP-29-531.0, by \$66,633.65;

Accepting and thanking Pershing Middle School Foundation for its generous donation of cash and in-kind services for a total of \$57,000 to help pay for the development of the Pershing Middle School turfed fields and recreational facilities.

CITY MANAGER SUPPORTING INFORMATION:

The proposed lease agreement between the City and the San Diego Unified School District provides for a twenty-five year, joint use facility on the Pershing Middle School site. The terms of the Agreement provide for the design, construction, operation and maintenance of approximately 10.0 acres for recreational and athletic purposes, of which 9.0 acres will be turfed multi-purpose sports fields and a Little League/Bobby Sox ballfield, and 1.0 acre will be hardcourts for basketball, tennis and other court games, restrooms, and shade pavilions. Phase I improvements are estimated to cost \$966,620 and include relocation of existing hardcourts, and turfing and irrigation of multi-purpose sports fields. Phase II improvements will be implemented subsequent to the identification of additional funding. The associated Agreement between the City and the Pershing Middle School Foundation, a non-profit public benefit corporation, provides for a cooperative partnership to design and implement the project. The Pershing Middle

School Foundation has generously donated \$13,967 in cash and \$43,033 in in-kind services for a total of \$57,000 towards the project. They have also been instrumental in obtaining state grant and park bond funding and Park and Recreation Matching Funds to supplement identified City funding for Phase I improvements. Additionally, the Foundation will assist in the processing of a Design/Build contract for implementing the proposed improvements by giving input into the preparation of the Request for Proposal and evaluation of submitted proposals.

FISCAL IMPACT:

Total estimated cost for project completion is \$2,250,205. Phase I is estimated to cost \$966,620. Funds in the amount of \$241,663.65 are available for Phase I as follows: \$175,000 from Capital Outlay Fund No. 30244, and \$66,633.65 from Park and Recreation Matching Funds, Fund No. 10365. Previously appropriated funding for Phase I includes \$344,750 from FY2001 State Park Trailer Bill, Fund No. 38114. Additional funding identified for Phase I, but unappropriated at this time, includes \$240,000 from Proposition 12 (Park Bond) funds, pending State contract approval, and \$40,000 from Proposition MM (School Bond) funds, pending School District approval, and \$100,000 from FY2002 Navajo Development Impact Fees, Fund No. 79506. Funds from these sources will be appropriated to the Phase I project as they become available. Estimated annual maintenance costs pursuant to the Joint Use Agreement are approximately \$77,640. The funding for these costs will be requested as a new Park and Recreation facility in the Fiscal Year budget process in which it will come on line.

Loveland/McLatchy/DVW

Aud. Cert. 2200073.

ADOPTION AGENDA, CONSENT ITEMS
ORDINANCE TO BE INTRODUCED:

* ITEM-55: Transfer of the Non-Exclusive Solid Waste Collection Franchise.

CITY MANAGER'S RECOMMENDATION:

Introduce the following ordinance:

(O-2002-18)

Introduction of an Ordinance approving the transfer of the Non-Exclusive Solid Waste Collection Franchise Agreement and the Waste Delivery Agreement from Dominion Disposal to National Environmental Waste Corporation.

NOTE: 6 votes required pursuant to Section 103 of the City Charter.

CITY MANAGER SUPPORTING INFORMATION:

On December 13, 1996 the City Council enacted Ordinance O-18353, which amended the Municipal Code to establish Non-Exclusive Franchises for solid waste haulers and authorized the City Manager to execute Non-Exclusive Franchise Agreements with the City's seventeen existing licensed solid waste haulers. Under City Charter Section 103, these franchises can be transferred by an ordinance of the Council. Charter Section 103 states the following: "For the purpose of this Section, a Council approved transfer shall be required when there is any change in the legal structure of the entity which holds the franchise, which change alters the ownership or control of the entity. Such changes include, but are not necessarily limited to sale, lease, assignment..." It further states that, "Absent Council approval, the franchise shall not be deemed to have been transferred to the new entity."

National Environmental Waste Corporation (NEWCO) has applied for a transfer of the franchise agreement and waste delivery agreement currently held by Dominion Disposal, Inc. The application for the transfer of the franchise agreement and waste delivery agreement has been reviewed and staff has determined NEWCO meets all the technical and financial criteria for securing a Non-Exclusive Franchise within the City of San Diego. The transfer of Dominion Disposal's franchise agreement and waste delivery agreement is contingent upon fulfillment of all payment obligations on outstanding invoices.

NEWCO has been in business for over thirty years. They plan to purchase Dominion Disposal's garbage collection routes, which have delivered approximately 10,000 tons annually to the Miramar Landfill. NEWCO is also in the process of acquiring Dominion Disposal's franchise with the County of San Diego.

FISCAL IMPACT:

The City will collect outstanding invoices, including fees, interest and penalties (estimated at \$200,000).

Loveland/Hays/DA

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

* ITEM-100: Two actions related to Advertising for Bids for Sewer Group Job 652.

(Kensington Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-186)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of Sewer Group Job 652 on Work Order No. 173581;

Authorizing the City Manager to establish contract funding phases and execute a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$3,940,126, from Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02002C)

Subitem-B: (R-2002-187)

Certifying that Mitigated Negative Declaration LDR-40-1036 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines; declaring that the information contained in the report has been reviewed and considered by Council in connection with the approval of the Construction of Sewer Group Job 652;

Approving Mitigated Negative Declaration LDR-40-1036;

Adopting the Mitigation Monitoring and Reporting Program;

Directing the City Clerk to file a Notice of Determination (NOD) with the County Clerk's Office.

CITY MANAGER SUPPORTING INFORMATION:

This project is part of the City's ongoing concrete sewer main replacement program. Sewer Group Job 652 will replace approximately 4,764 linear feet of existing 6- and 8-inch concrete sewer main and 2,383 linear feet of existing 8-inch vitrified clay sewer main with approximately 7,291 linear feet of new 8-inch sewer main and 3,456 linear feet of new 12-inch sewer main.

This project also abandons 7,038 linear feet of existing 8-inch vitrified clay sewer main in the canyon and redirects flow into the sewer mains located in the streets, making it more accessible for routine maintenance. The existing sewer mains were installed in the early 1920's and are now

undersized and have experienced many breaks and stoppages. This project will reduce these problems and provide a more reliable sewer system for the service area.

This project is in the Kensington Community Planning Area within the area bounded by Adams Avenue and Interstate 8 on the south and north, and Interstate 15 and Fairmont Avenue on the east and west. The City will notify residents, via mail, at least one month prior to the commencement of construction. The Contractor will also notify the residents, via hand distribution, at least ten days prior to the commencement of construction. Also, this project includes pedestrian ramps and slurry sealing or resurfacing of impacted streets.

FISCAL IMPACT:

The total estimated construction and related costs are estimated at \$3,940,126. Funds are available in Sewer Fund 41506, CIP-44-001.0, Annual Allocation - Sewer Main Replacement, for this purpose. This project may be phase-funded.

Loveland/Belock/HR

WWF-01-496.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-101 Three actions related to Carmel Valley Maintenance Assessment District.

(#24 Carmel Valley Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-217)

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2002-218)

Approving the City Engineer's report.

Subitem-C: (R-2002-219)

Approving the Fiscal Year 2002 Budget for the Carmel Valley Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessments for Carmel Valley Maintenance Assessment District (District). The District was established in July 1987 to provide maintenance for landscaped medians, paved medians, landscaped right-of-ways, slopes, mini-parks, community parks, and open space within the District boundaries.

The assessments associated with the following FY 2002 proposed budget were approved by the Carmel Valley Planning Board on July 10, 2001.

	Est. Year End	
<u>DESCRIPTION</u>	<u>FY 2001</u>	<u>FY 2002</u>
BEGINNING BALANCE	\$ 627,632.00	\$ 171,249.00
REVENUE:		
Assessments	\$1,166,450.00	\$1,300,720.00
Interest	10,000.00	10,000.00
City Contribution	<u>52,667.00</u>	<u>28,398.00*</u>
TOTAL REVENUE	\$ 245,297.00	\$1,339,118.00
EXPENSE:		
Personnel	\$ 105,947.00**	\$ 135,678.00
Contractual	714,835.00	760,099.00***
Incidental	188,167.00	190,313.00
Utilities	<u>253,550.00</u>	<u>266,050.00</u>
TOTAL EXPENSE	1,262,499.00	\$1,352,140.00
ENDING BALANCE	\$ 171,249.00	\$ 158,227.00

* Includes: 1) reduced funding from the Library Department due to transfer of library grounds maintenance from the District to the Library Department effective August 1, 2001; and 2) adjustment of other City contributions based on current acreage maintained.

** The Personnel budget is the same in FY 2001 and FY 2002; it was under spent in FY 2001. Planning Board voted to use full Personnel Budget in FY 2002 for contract inspection.

*** Includes just 1 month of Library maintenance contractual expense.

This District contains a total of 14,978.24 EBUs. The proposed assessment per Equivalent Benefit Unit (EBU) for the Fiscal Year 2002 is as follows:

	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6	Zone 7	Zone 8	Zone 9
Overlay Rate	\$55.38	\$55.38	\$ 55.38	\$55.38	\$ 55.38	\$ 55.38	\$ 55.38	\$55.38	\$55.38
Zone Assessment	<u>\$ 0.00</u>	<u>\$70.00</u>	<u>\$248.22</u>	<u>\$ 0.00</u>	<u>\$ 0.00</u>	<u>\$ 0.00</u>	<u>\$65.00</u>	<u>\$45.00</u>	<u>\$ 0.00</u>

Total Assessment	\$55.38	135.38	303.60	55.38	55.38	55.38	120.38	100.38	55.38
Zone EBU's	7,635.43	992.34	1,238.73	1,159.22	1,236.83	1,017.35	1,037.13	375.61	285.60

The Overlay Zone assessment is an increase of \$3.54 (a 6.8% increase) per EBU from Fiscal Year 2001 assessment of \$51.84. The Zone assessment for Zone 2 increased \$5 (7.7%) per EBU, Zone 3 increased \$2.98 (1.2%) per EBU, and Zone 7 increased \$40 (160%) per EBU. The Overlay and Zones 2 & 3 increases are to cover inflation. The Zone 7 increases are to cover inflation and maintenance of new assets in that Zone. No change is needed in Zone 8.

FISCAL IMPACT:

It is proposed that the City contribute a total of \$28,398. The Gas Tax Fund will contribute \$23,031 for the maintenance of 191,928 sq. ft. of landscaped medians (0.12/sq. ft.). The General Fund will contribute \$224 (Dept. 310) for grounds maintenance at the Carmel Valley Branch Library for 1 month and \$5,143 (Dept. 120) for grounds maintenance at Fire Station #24. These City contributions represents the City's share of expenses incurred for maintenance of similar areas throughout the City. All other costs are assessed to the District.

Loveland/McLatchy/SY

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-102 Three actions related to Bay Terraces Maintenance Assessment District.

(#39 Skyline/Paradise Hills Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2001-1725)

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2001-1726)

Approving the City Engineer's report.

Subitem-C: (R-2001-1727)

Approving the Fiscal Year 2002 Budget for the Bay Terraces Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessments for Bay Terraces Maintenance Assessment District (District). The District was established on December 14, 1982 to provide maintenance of 4 acres of open space. There are two noncontiguous areas in this District. Zone 1 is located north of Parkside Avenue and south of Manos Drive and Zone 5 is located south of Paradise Road east of Woodman Drive north of Alsacia Street. The Zone numbers correspond to the phases of the development on the project.

The proposed FY 2002 budget is based on current maintenance costs.

	Est. Year End	
<u>DESCRIPTION</u>	<u>FY 2001</u>	<u>FY 2002</u>
BEGINNING BALANCE	\$ 2,589.00	\$ 1,355.00
REVENUE:		
Assessments	\$ 30,248.00	\$30,248.00
Interest	966.00	966.00
City Contribution	<u>100.00</u>	<u>100.00</u>
TOTAL REVENUE	\$ 31,314.00	\$31,314.00
EXPENSE:		
Personnel	\$ 6,605.00	\$ 3,392.00
Contractual	15,582.00	15,811.00
Incidental	5,688.00	4,492.00
Utilities	<u>4,673.00</u>	<u>4,472.00</u>
TOTAL EXPENSE	\$32,548.00	\$28,167.00
ENDING BALANCE	\$ 1,355.00	\$ 4,502.00

The proposed assessments for Zone 1 in Fiscal Year 2002 is \$65.92 per Equivalent Benefit Unit (EBU) with a total of 305 EBUs or \$20,015 for maintenance of 2 acres of open space green belt area that includes turf, trees, ground maintenance and walkways. The proposed assessment for Zone 5 in Fiscal Year 2002 is \$105.62 per Equivalent Benefit Unit (EBU) with a total of 96.03 EBUs or \$10,143 for maintenance of 2 acres of natural open space area. The assessment amounts are the same as Fiscal Year 2001 in both zones.

FISCAL IMPACT:

It is proposed that the City contribute \$100 from the Environmental Growth Fund for 4 acres of open space (\$25/acre). This represents the City's share of expenses incurred for maintaining open space comparable to similar areas throughout the City. All other costs are assessed to the District.

Loveland/McLatchy/SY

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-103: Three actions related to Central Commercial Maintenance Assessment District.

(#41 Sherman Heights Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-163)

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2002-164)

Approving the City Engineer's report.

Subitem-C: (R-2002-165)

Approving the Fiscal Year 2002 Budget for the Central Commercial Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessment for the Central Commercial Maintenance Assessment District (District). The District is located in the Sherman Heights Community situated along Imperial Avenue from Interstate 5 to 32nd Street; Commercial Avenue from Interstate 5 to 28th Street; National Avenue from 28th Street to 32nd Street and all side streets in between Imperial Avenue and Commercial Avenue between Interstate 5 and 28th Street.

The purpose of the District is to fund streetscapes, signage, banners, beautification, sidewalk and landscape maintenance, security related services, street lighting and administration. In FY 2001 the property owners voted to be managed by the Central Commercial District Revitalization Corporation (Corporation). The one-year agreement between the City and the Corporation will be brought to the City Council for renewal in Nov./Dec., 2001. The following FY 2002 proposed budget was approved by the Corporation's officers on July 11, 2001.

	Est. Year End	
<u>DESCRIPTION</u>	<u>FY 2001</u>	<u>FY 2002</u>
BEGINNING BALANCE	\$ 0.00	\$ 164,870.00

REVENUE:

Assessments	\$194,300.00	\$ 216,749.00
Interest	<u>3,619.00</u>	<u>6,000.00</u>
TOTAL REVENUE	\$197,919.00	\$ 222,749.00

EXPENSE:

Personnel	\$ 0.00	\$ 0.00
Contractual	21,191.00	172,537.00
Incidental	11,858.00	4,500.00
Utilities	<u>0.00</u>	<u>20,425.00</u>
TOTAL EXPENSE	\$ 33,049.00	\$197,462.00

ENDING BALANCE

(Reserve)	\$164,870.00	\$190,157.00
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The proposed assessment for Fiscal Year 2002 is based on a three part assessment of \$1.9269 per Land Use unit, \$0.0417 per parcel Lot square foot (Sf.) and \$1.7576 per parcel Lot frontage foot (Lf.). The District contains a total of 438 parcels, a total of 2,877,426 Sf. and a total of 34,829 Lf.. The assessment is the same as Fiscal Year 2001. The District's estimated costs for FY 2001 reflect only 3 months of operating expenditures. Services did not begin until after assessment proceeds were received and deposited from the County Tax Collector in January 2001 and an agreement between the Corporation and the City was approved by the City Council in February 2001.

FISCAL IMPACT:

All costs are assessed to the District. There is no net fiscal impact.

Loveland/McLatchy/SY

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-104: Three actions related to Coral Gate Maintenance Assessment District.

(#44 Tijuana River Valley Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-202)

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2002-203)

Approving the City Engineer's report.

Subitem-C: (R-2002-204)

Approving the Fiscal Year 2002 Budget for the Coral Gate Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessments for the Coral Gate Maintenance Assessment District (District). The District was established in 1999 to provide maintenance for parkway and slope landscaping along Camino de la Plaza, Sipes Lane and Bibler Drive, fences and walls along Camino de la Plaza, revegetation and cowbird trapping stations in the open space easement lots within Coral Gate. Per Resolution R-279171 adopted on December 10, 1991, when this Maintenance Assessment District was formed, it became responsible for the cost of a 5-year "Mitigation, Maintenance and Monitoring Plan" in the District open space. The Developer provided these services for the first 2 years. The District FY 2002 through 2004 budgets will provide funding for the remaining 3 years.

The following FY 2002 proposed budget is being increased to cover the biological maintenance and monitoring. The property owners in this District have not formed an oversight group; however one property owner has expressed interest in forming a group. Staff discussed the proposed assessment increase with her in June, 2001, and she accepted the reasons for it. Staff will work with property owners in the coming year to form an oversight group.

	Est. Year End	
<u>DESCRIPTION</u>	<u>FY 2001</u>	<u>FY 2002</u>
BEGINNING BALANCE	\$ 25,695.00	\$ 33,531.00
REVENUE:		
Assessments	\$ 28,732.00	\$ 57,436.00
Interest	<u>480.00</u>	<u>480.00</u>
TOTAL REVENUE	\$ 29,212.00	\$ 57,916.00
EXPENSE:		
Personnel	\$ 3,208.00	\$ 3,310.00
Contractual	13,600.00	54,300.00
Incidental	4,568.00	8,040.00
Utilities	<u>0.00</u>	<u>2,250.00</u>
TOTAL EXPENSE	\$ 21,376.00	\$ 67,900.00
ENDING BALANCE	\$ 33,531.00	\$ 23,547.00

The proposed assessment for Fiscal Year 2002 is \$114.44 per Equivalent Benefit Unit (EBU), compared to \$57.22 in FY 2001. The District contains 501.89 EBU's. The maximum authorized assessment is \$172.84 per EBU as set forth in the engineer's Report. The assessment for the "Mitigation, Maintenance and Monitoring Plan" will be discontinued after 3 years. As planned additional improvements are accepted into the District, additional assessment increases will be required.

FISCAL IMPACT:

All costs are assessed to the District. There is no net fiscal impact.

Loveland/McLatchy/SY

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-105: Three actions related to First San Diego River Improvement Project Maintenance Assessment District.

(#22 Mission Valley Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-129)

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2002-130)

Approving the City Engineer's report.

Subitem-C: (R-2002-131)

Approving the Fiscal Year 2002 Budget for the First San Diego River Improvement Project Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessments for First San Diego River Improvement Project Maintenance Assessment District (District). The District was established in 1987 to provide maintenance for the San Diego River earthen flood control channel, eight river islands inside the channel zone, and an approximately 20 foot wide buffer zone running along and

adjacent to the channel embankments. District maintenance includes dredging to maintain the flow capacity of the river, revegetation, wildlife monitoring and reporting, landscaping, restoration of embankment erosion and trash removal.

By ballot in 1998 the property owners capped their savings for a dredging reserve at \$440,000, reduced their assessments and began using excess accumulated reserves and the Flood Control portion of their assessment for other approved District purposes. The following FY 2002 proposed budget was approved by the First San Diego River Improvement Project Maintenance Assessment District Committee on April 25, 2001. The Committee plans to address the District's operating budget issues in the coming year.

	Est. Year End	
<u>DESCRIPTION</u>	<u>FY 2001</u>	<u>FY 2002</u>
BEGINNING BALANCE	\$ 132,786.00	\$ 94,457.00
OPERATING REVENUE:		
Assessments	\$ 145,422.00	\$ 163,501.00
Interest	<u>27,102.00</u>	<u>27,102.00</u>
TOTAL REVENUE	\$ 172,524.00	\$190,603.00
OPERATING EXPENSE:		
Personnel	\$ 27,773.00	\$ 44,095.00
Contractual	100,000.00	108,000.00
Annual Dredging Evaluation	1,000.00	1,000.00
Incidental	45,380.00	47,672.00
Utilities	<u>36,700.00</u>	<u>49,850.00</u>
TOTAL EXPENSE	\$ 210,853.00	\$250,617.00
Ending Balance		
(Operating Reserve):	\$ 94,457.00	\$ 34,443.00
Continuing Appropriation		
(Dredging Reserve):	\$440,000.00	\$440,000.00

<u>Zone</u>	<u>FY 01 Assessment Per Benefit Area</u>	<u>FY 02 Assessment Per Benefit Area</u>	<u>Increase in Assessment from Fiscal Year 2001</u>	<u>Number of Equivalent Benefit Areas</u>
Aesthetics				
Zone 1	\$390.94	\$441.36	\$50.42 (12.9%)	93.69
Aesthetics				
Zone 2	\$195.47	\$220.68	\$25.21 (12.9%)	183.06
Flood Control	\$3,786.85	\$4,275.34	\$488.49 (12.9%)	19.12

The District Committee exercised its option to use the accumulated CPI-U rate of 12.9% since the base year 1998. The increase is necessary to cover anticipated FY 2002 costs.

FISCAL IMPACT:

All costs are assessed to the District. There is no net fiscal impact.

Loveland/McLatchy/SY

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

* ITEM-106: Three actions related to Little Italy Maintenance Assessment District.

(#4 Centre City-Little Italy Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-211)

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2002-212)

Approving the City Engineer's report.

Subitem-C: (R-2002-213)

Approving the Fiscal Year 2002 Budget for the Little Italy Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessment for the Little Italy Maintenance Assessment District (District). The District is located in the Little Italy Community situated in an area of Downtown south of Laurel Street, west of Front Street, north of Ash Street and east of Pacific Highway (excluding the Burlington Northern & Santa Fe Railway right-of-way). The purpose of the District is to fund streetscape/signage/banners/beautification, sidewalk and landscape maintenance, security related services, street lighting, holiday decoration, maintenance of street furniture and administration.

The District is broken into two zones with Zone 1 receiving more services. In FY 2001 the property owners voted to be managed by the Little Italy Association (Association). The one-year agreement between the City and Association will be brought to City Council for renewal in Nov./Dec., 2001. The following FY 2002 proposed budget was approved by the Association on

May 30, 2001.

<u>DESCRIPTION</u>	<u>Est. Year End</u>	
	<u>FY 2001</u>	<u>FY 2002</u>
BEGINNING BALANCE	\$ 20,394.00	\$136,886.00
REVENUE:		
Assessments	\$ 247,153.00	\$253,805.50
Interest	2,707.00	6,500.00
City Contribution	<u>1,425.00</u>	<u>1,425.00</u>
TOTAL REVENUE	\$ 251,285.00	\$261,730.50
EXPENSE:		
Personnel	\$ 0.00	\$ 0.00
Contractual	76,501.00	188,800.00
Incidental	36,279.00	34,814.00
Utilities	<u>22,013.00</u>	<u>34,800.00</u>
TOTAL EXPENSE	\$ 134,793.00	\$258,414.00
ENDING BALANCE		
(Reserve)	\$ 136,886.00	\$140,202.50

The proposed assessment for Fiscal Year 2002 is based on a three part assessment of Land Use (residential units or building square footage), Lot square footage (Sf.), and Lot front footage (Lf.). The District contains a total of 422 parcels from which Land Use residential units and building square footage are derived.

	<u>Land Use Rate</u>	<u>Sf. Rate</u>	<u>Sf. Units</u>	<u>Lf. Rate</u>	<u>Lf. Units</u>
Zone 1	\$1.4288	\$0.0393	769,586	\$2.8313	10,991
Zone 2	\$1.4911	\$0.0248	2,619,182	\$1.6611	35,747

The assessment is the same as Fiscal Year 2001. Full services did not begin until after the assessment proceeds were received and deposited from the County Tax Collector in January 2001 and an agreement between the Association and the City was approved by City Council in January 2001.

FISCAL IMPACT:

It is proposed that the City contribute a total of \$1,425 (\$0.12/sq. ft.) from the Gas Tax Fund for maintenance of 11,875 sq. ft. of landscaped medians. This represents the City's share of expenses incurred for maintenance of street medians comparable to similar areas though the City. All other costs are assessed to the District.

Loveland/McLatchy/SY

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-107: Three actions related to Miramar Ranch North Maintenance Assessment District.

(#17 Miramar Ranch North Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-220)

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2002-221)

Approving the City Engineer's report.

Subitem-C: (R-2002-222)

Approving the Fiscal Year 2002 Budget for the Miramar Ranch North Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessments for Miramar Ranch North Maintenance Assessment District (District). The District was established in 1987 to provide maintenance for landscape medians, paved medians, landscaped right-of-ways, landscaped slopes, gutters, and "interpretive/pocket" parks within the District boundaries. At build-out, the District will maintain 111,261 sq. ft. of landscaped medians, 72,045 sq. ft. of paved medians, 809,173 sq. ft. of landscaped right-of-ways, 3,631,490 sq. ft. of landscaped slopes, 53,800 linear feet of gutters, 305,527 sq. ft. of sidewalks and curbs, and 2.77 acres of "interpretive/pocket" parks. The assessments associated with the following FY 2002 proposed budget were approved by the District property owner representatives on April 30, 2001.

A property owners oversight committee is currently being formed to address budget and maintenance issues.

<u>DESCRIPTION</u>	<u>Est. Year End</u>	
	<u>FY 2001</u>	<u>FY 2002</u>
BEGINNING BALANCE	\$ 203,172.00	\$ 172,755.00

REVENUE:

Assessments	\$ 489,800.00	\$ 652,777.00
Interest	11,174.00	7,112.00
City Contribution	14,085.00	13,351.00
Developer Reimbursement	<u>11,068.00</u>	<u>100,000.00*</u>
TOTAL REVENUE	\$ 526,127.00	\$ 773,240.00

EXPENSE:

Personnel	\$ 46,922.00	\$ 50,879.00
Contractual	324,722.00	398,664.00
Incidental	75,900.00	99,428.00
Utilities	<u>109,000.00</u>	<u>240,000.00**</u>
TOTAL EXPENSE	\$ 556,544.00	\$ 788,971.00***

ENDING BALANCE	\$ 172,755.00	\$ 157,024.00
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* Anticipated one-time reimbursement for damage to District assets.

** Cost increase due to increased landscape assets and higher water rates.

*** Expenses are increased due to additional assets completed in FY 2001 which will be maintained by the District in FY 2002.

The proposed assessment for Fiscal Year 2002 is \$50.64 per Equivalent Benefit Unit (EBU) in Zone 1, and \$127.34 per EBU in Zone 2. The District contains 6,745.1 EBUs: 2,687.7 EBUs in Zone 1 and 4,057.4 EBUs in Zone 2. The assessment in Zone 1 was reduced \$6.04 (10.6%) per EBU, and in Zone 2 was increased \$26.28 (26%) per EBU. The assessment rates are the maximum authorized rates for FY 2002 which were adopted by the property owners in 1998. The increased assessment will cover additional assets scheduled to be maintained by the District in FY 2002.

FISCAL IMPACT:

It is proposed that the City contribute a total of \$13,351.00 (\$0.12/sq. ft.) from the Gas Tax Fund for the maintenance of 111,261 sq. ft. of landscaped medians. This represents the City's share of expenses incurred for the maintenance of street medians comparable to similar areas throughout the City. All other costs are assessed to the District. Gas Tax savings in the amount of \$5,041 will be used from the Northwest Otay Maintenance Assessment District, fund 70256, to cover the needed funds in excess of the budgeted Gas Tax amount for the Miramar Ranch North Maintenance Assessment District.

Loveland/McLatchy/SY

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-108: Three actions related to Mira Mesa Maintenance Assessment District.

(#18 Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-69 Cor. Copy)

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2002-70)

Approving the City Engineer's report.

Subitem-C: (R-2002-71)

Approving the Fiscal Year 2002 Budget for the Mira Mesa Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessments for the Mira Mesa Maintenance Assessment District (District). The District was established in July 1983 to provide maintenance of landscaped medians, slopes and streetscapes along major arterial streets and corridors within the District. The District maintains 220,932 sq. ft. of landscaped medians, 67,163 sq. ft. of paved street medians, 525,851 sq. ft. of landscaped right of ways, 333,200 sq. ft. of sidewalks and curbs and 129,823 lineal feet of gutters. In addition, there are 553,671 sq. ft. of slopes adjacent to right of ways exclusively in Zone 3.

The assessments associated with the following FY 2002 proposed budget was approved by the Mira Mesa Town Council MAD Advisory Committee on May 17, 2001.

	Est. Year End	
<u>DESCRIPTION</u>	<u>FY 2001</u>	<u>FY 2002</u>
BEGINNING BALANCE	\$ 627,632.00	\$ 427,649.00
REVENUE:		
Assessments	\$ 155,402.00	\$ 258,602.00
Interest	29,000.00	29,000.00
City Contribution	<u>60,895.00</u>	<u>51,195.00</u>

TOTAL REVENUE	\$ 245,297.00	\$ 338,797.00
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EXPENSE:

Personnel	\$ 55,769.00	\$ 61,055.00
Contractual	220,000.00	220,000.00
Incidental	59,041.00	66,477.00
Utilities	<u>110,470.00</u>	<u>110,470.00</u>
TOTAL EXPENSE	\$ 445,280.00	\$458,002.00

ENDING BALANCE

(Reserve)	\$ 427,649.00	\$308,444.00
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The District contains a total of 43,171.16 Equivalent Benefit Units (EBUs). Zone 1 (35,247.55 EBU) comprises the majority of the property owners along the main thoroughfares in the District. Zone 2 (5,344.01 EBU) consists of commercial and industrial properties in the western section of the District. Zone 3 (2,579.60 EBU) comprises planned residential developments in the northeastern area of the District.

Since District inception in 1983, the Reserve built up significantly. In FY 1998 Zones 1 and 2 paid \$3.57 per EBU and Zone 3 paid \$75.32 due to its additional landscaping. Assessments were adjusted to \$3.60 in all zones for FY 1999, FY 2000 and FY 2001 to spend-down the Reserve. The proposed assessment for Fiscal Year 2002 is unchanged in both Zone 1 and 2 at \$3.60 per EBU. The Advisory Committee approved a proposed assessment for Fiscal Year 2002 in Zone 3 of \$43.60 per EBU. This is an assessment increase of \$40 per EBU and is less than the maximum allowable Zone 3 assessment of \$81.74.

FISCAL IMPACT:

It is proposed that the City contribute a total of \$51,195. The General Fund will contribute \$6,236 for grounds maintenance at the Mira Mesa Branch Library. Of the 220,932 sq. ft. of landscaped medians, the Environmental Growth Fund (EGF) contributes a fixed \$19,767 per year for maintenance of the original 11,000 sq. ft. based on a 1986 agreement. The method of handling the EGF contribution will be amended in the FY 2003 budget. The City contribution from Gas Tax Funds has been adjusted to reflect the current square footage of areas maintained. It is proposed that the Gas Tax Fund contribute \$25,192 for the remaining 209,932 sq. ft. of landscaped medians (\$0.12/sq. ft.). This represents the City's share of expenses incurred for maintenance of street medians comparable to similar areas throughout the City. All other costs are assessed to the District.

Loveland/McLatchy/SY

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-109: Four actions related to Newport Avenue Maintenance Assessment District.

(#25 Ocean Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-178)

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2002-179)

Approving the City Engineer's report.

Subitem-C: (R-2002-180)

Approving the Fiscal Year 2002 Budget for the Newport Avenue Maintenance Assessment District.

Subitem-D (R-2002-181)

Authorizing the City Manager to execute an agreement with Newport Avenue Main Street Association, for administration of Contracts for Goods and Contracts for Services for the Newport Avenue Maintenance Assessment District for a period of one year in accordance with San Diego Municipal Code section 65.0212.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessments for the Newport Avenue Maintenance Assessment District (District). The District was established in July 1989 to provide maintenance of landscape planters in the public right-of-way and front footage along Newport Avenue which totals 3,580 linear feet. In FY 2000 the property owners voted to be managed by the Ocean Beach MainStreet Association (Association). This action will also authorize the Agreement between the City and the Association to provide administrative and maintenance services to the District for a period of one year beginning on July 1, 2001. The following FY 2002 proposed budget was approved by the Association on June 14, 2001.

<u>DESCRIPTION</u>	<u>Est. Year End FY 2001</u>	<u>FY 2002</u>
BEGINNING BALANCE	\$ 16,483.00	\$ 7,848.00
REVENUE:		
Assessments	\$ 33,365.00	\$ 38,020.00
Interest	<u>400.00</u>	<u>400.00</u>
TOTAL REVENUE	\$ 29,212.00	\$ 38,420.00
EXPENSE:		
Personnel	\$ 0.00	\$ 0.00
Contractual	27,500.00	27,500.00
Incidental	8,500.00	8,500.00
Utilities	<u>6,400.00</u>	<u>6,400.00</u>
TOTAL EXPENSE	\$ 42,400.00	\$ 42,400.00
ENDING BALANCE	\$ 7,848.00	\$ 3,868.00

The proposed assessment for Fiscal Year 2002 is \$10.62 per Linear Frontage Foot (LFF). The District contains a total of 3,580 linear feet of Front Footage along Newport Avenue. The assessment is an increase of \$1.30 per LFF from Fiscal Year 2001 assessment of \$9.32 per LFF. The Association voted to increase the assessment by the 14.0% cumulative CPI since the base year of 1998.

FISCAL IMPACT:

All costs are assessed to the District. There is no net fiscal impact.

Loveland/McLatchy/SY

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-110: Three actions related to Rancho Bernardo Maintenance Assessment District.

(#31 Rancho Bernardo Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-205 Cor. Copy)

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2002-206)

Approving the City Engineer's report.

Subitem-C: (R-2002-207)

Approving the Fiscal Year 2002 Budget for the Rancho Bernardo Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessments for the Rancho Bernardo Maintenance Assessment District (District). The District was established in July 1983 to provide maintenance of landscaped medians, unpaved medians, and streetscapes. The District maintains 183,625 sq. ft. of landscaped medians, 251,299 sq. ft. of paved medians, 842,022 sq. ft. of streetscape and various street right-of-way areas and 195,349 linear feet of gutters. In FY 2001, the service level was increased to include more frequent sweeping of paved medians.

The following FY 2002 proposed budget was approved by the Rancho Bernardo Maintenance Assessment District Advisory Committee on July 23, 2001.

<u>DESCRIPTION</u>	<u>Est. Year End FY 2001</u>	<u>FY 2002</u>
BEGINNING BALANCE	\$ 135,945.00	\$ 125,239.00
REVENUE:		
Assessments	\$154,624.00	\$ 157,940.00
Interest	4,996.00	4,996.00
City Contribution	<u>22,035.00</u>	<u>22,035.00</u>
TOTAL REVENUE	\$ 181,655.00	\$ 184,971.00
EXPENSE:		
Personnel	16,929.00	30,528.00
Contractual	115,750.00	118,000.00
Incidental	28,632.00	35,133.00
Utilities	<u>31,050.00</u>	<u>32,050.00</u>
TOTAL EXPENSE	\$ 192,361.00	\$ 215,711.00
ENDING BALANCE	\$ 125,239.00	\$ 94,499.00

The proposed assessment for Fiscal Year 2002 is \$6.70 per Equivalent Benefit Unit (EBU). The

District contains 23,566.47 EBUs. The Advisory Committee voted to increase the Personnel Budget for increased monitoring of contracts which, in FY 2001, added: 1) Additional maintained assets including over 65,000 sq. ft. of landscaping, over 10,000 sq. ft. of paved medians and almost 5,000 linear feet of gutters; and 2) more frequent sweeping of paved medians. To keep a prudent Reserve the Advisory Committee voted to increase the assessment by \$0.13 (a 1.98% increase) per EBU from the Fiscal Year 2001 assessment of \$6.57 per EBU. This increase is the unused balance of a cumulative CPI-U increase of 14.8% since the base year of 1998.

FISCAL IMPACT:

It is proposed that the City contribute a total of \$22,035 from the Gas Tax Fund for the maintenance of 183,625 square feet of landscaped medians (0.12/sq. ft.). This represents the City's share of expenses incurred for maintenance of street medians comparable to similar areas throughout the City. All other costs are assessed to the District.

Loveland/McLatchy/SY

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-111: Three actions related to San Diego Street Light Maintenance Assessment District No. 1.

(City-wide.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-208)

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2002-209)

Approving the City Engineer's report.

Subitem-C: (R-2002-210)

Approving the Fiscal Year 2002 Budget for the San Diego Street Light Maintenance Assessment District No. 1.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessments for the San Diego Street Light Maintenance Assessment District No. 1 "District". The District was established in 1970 and, within its boundaries, includes lights which meet the City Standard and lights which provide benefit beyond the City Standard. The District's budget covers the maintenance costs (repair & energy) of both types of lights. Therefore, the City Streets Division contributes its proportionate share of the cost of maintenance to the District each year. This cost varies each year, primarily based on differences in repair needs and energy from year to year. While energy costs are up in FY 2002, estimated repair costs are down. Out of 85 original subdistricts, 57 remain. These are spread throughout the City. The others were generally incorporated into other Maintenance Assessment Districts which formed after 1970. The following FY 2002 proposed budget is based on projected costs of maintenance and energy.

	Est. Year End	
<u>DESCRIPTION</u>	<u>FY 2001</u>	<u>FY 2002</u>
BEGINNING BALANCE	\$ 211,182.00	\$ 115,099.00
REVENUE:		
Assessments	\$ 284,089.00	\$ 297,029.00
Interest	3,972.00	3,000.00
City Contributions	<u>507,347.00</u>	<u>257,857.00</u>
TOTAL REVENUE	\$795,408.00	\$ 557,886.00
EXPENSE:		
Electrical Energy	\$314,128.00	\$ 485,111.00
Maintenance	518,666.00*	100,000.00
Engineering & Miscellaneous	47,332.00	60,453.00
Transfer to other Funds	<u>11,500.00</u>	<u>11,500.00</u>
TOTAL EXPENSE	\$ 891,491.00	\$ 657,064.00
ENDING BALANCE	\$ 115,099.00	\$ 15,921.00

*Repair costs were unusually high in FY 2001.

The proposed assessment to the District for FY 2002 is \$297,029. An increase of assessments, as authorized by the cost indexing provision, is included for FY 2002. The maximum authorized cost indexing factor since FY 1998 is 14.76%; the remaining cost indexing factor of 2.7% has been applied in FY 2002.

The Fiscal Year 2002 assessment costs vary for each subdistrict depending on the number and type of lights. Subdistrict costs are divided by the amount of assessable street frontage within each subdistrict to calculate a rate for each subdistrict with the exception of Subdistrict #85 which is divided by the number of benefitting units. The proposed FY 2002 assessment rates for each of the fifty-seven (57) subdistricts in "Exhibit A" of the Engineer's Report. The proposed

budget is a “plan”. If Council direction on Street Light Policy is amended, the FY 2002 District Budget will change accordingly.

FISCAL IMPACT:

It is proposed that the City contribute \$257,857 for District lights which meet the City standard. This contribution is made as \$100,000 in-kind services by City forces for maintenance performed on the lights and a \$157,857 cash transfer from the Street Division Operating Fund (10440 Fund). This represents the City’s proportionate share of expenses incurred to provide lighting to the various sub-districts. All other costs are assessed to the District.

Loveland/McLatchy/SY

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-112: Three actions related to Scripps-Miramar Ranch Maintenance Assessment District.

(#37 Scripps-Miramar Ranch Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-241)

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2002-242)

Approving the City Engineer’s report.

Subitem-C: (R-2002-243)

Approving the Fiscal Year 2002 Budget for the Scripps-Miramar Ranch Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessments for Scripps-Miramar Ranch Maintenance Assessment District (District). The District was established in May 1981 to provide maintenance for landscaped medians, open space and 2 ponds. The District maintains 15,467 sq. ft. of landscaped medians, 474 acres of open space areas and 2 ponds.

The following FY 2002 proposed budget was approved by property owners representing Scripps-Miramar Ranch Maintenance Assessment District on July 25, 2001.

	Est. Year End	
<u>DESCRIPTION</u>	<u>FY 2001</u>	<u>FY 2002</u>
BEGINNING BALANCE	\$ 16,758.00	\$ 6,912.00
REVENUE:		
Assessments	\$511,286.00	\$512,682.00
Interest	(1,000.00)	(1,000.00)
City Contribution	<u>\$ 21,506.00</u>	<u>\$191,034.00*</u>
TOTAL REVENUE	\$531,792.00	\$702,716.00
EXPENSE:		
Personnel	\$73,722.00	\$ 75,980.00
Contractual	348,965.00	483,210.00**
Incidental	73,339.00	74,642.00
Utilities	<u>48,000.00</u>	<u>51,600.00</u>
TOTAL EXPENSE	\$544,026.00	\$685,432.00
ENDING BALANCE	\$ 6,912.00	\$ 24,196.00

* Includes City contribution for landscape maintenance at population-based parks at the library.

** Includes cost of maintenance at population-based parks and at library.

The proposed assessment for Fiscal Year 2002 is \$84.00 per Equivalent Benefit Unit (EBU) in Zones 1, 2, and 3. This is the same assessment amount as Fiscal Year 2001. The District contains a total of 6,103.31 EBU's in: Zone 1 (1,039.24 EBUs), Zone 2 (4,592.52 EBUs) and Zone 3 (471.55 EBUs).

FISCAL IMPACT:

It is proposed that the City contribute a total of \$191,034. This consists of \$1,856 (\$0.12/sq. ft.) from the Gas Tax Fund for the maintenance of 15,467 sq. ft. of landscaped medians, and \$11,850 (\$25/acre) from the Environmental Growth Fund for the maintenance of 474 acres of open space. Additionally, the Park and Recreation Department will contribute \$168,600 for grounds maintenance of the following population-based City parks: Jerabek, Cypress Canyon, Lakeview and the High School & Elementary School joint-use sites. The Library Department will contribute \$8,728 for grounds maintenance at the Scripps Ranch Branch Library. These City contributions represents the City's share of expenses for maintenance of similar areas throughout the City. All other costs are assessed by the District. In future years, Park and Recreation will contribute corrections for previous year's contribution.

Loveland/McLatchy/SY

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-113: Three actions related to Sorrento Hills Maintenance Assessment District.

(#40 Sorrento Hills Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-156)

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2002-157)

Approving the City Engineer's report.

Subitem-C: (R-2002-158)

Approving the Fiscal Year 2002 Budget for the Sorrento Hills Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action will establish the Fiscal Year 2002 assessments for the Sorrento Hills Maintenance Assessment District (District). The District was established in 1996 to provide maintenance for landscaped and paved medians, landscaped right-of-way, paved right-of-way, landscaped slopes, natural open space areas, and street gutters. At build-out, the District will maintain 155,000 sq. ft. of landscaped medians, 81,500 sq. ft. of paved medians, 7.07 acres of landscaped right-of-way, 8.42 acres of paved right-of-way, 97.58 acres of landscaped slope, 31.57 acres of natural open space and 38,750 linear feet of gutters. The following FY 2002 proposed budget is based on estimated costs to maintain improvements which will be turned over to the District from the owners/developers during FY 2002. More improvements will be turned over to the District to maintain in future years.

The large Reserve is needed to help defray increased expenses as these additional improvements are accepted into the District.

<u>DESCRIPTION</u>	<u>Est. Year End</u>	
	<u>FY 2001</u>	<u>FY 2002</u>
BEGINNING BALANCE	\$ 221,110.00	\$ 389,111.00

REVENUE:		
Assessments	\$ 207,665.00	200,177.00
Interest	2,706.00	2,706.00
City Contribution	<u>18,600.00</u>	<u>18,600.00</u>
TOTAL REVENUE	\$ 228,972.00	221,483.00
EXPENSE:		
Personnel	\$ 13,892.00	33,919.00
Contractual	25,707.00	156,000.00
Incidental	8,628.00	34,086.00
Utilities	<u>0.00</u>	<u>34,675.00</u>
TOTAL EXPENSE	\$ 60,971.00	\$ 258,680.00
RESERVE/		
ENDING BALANCE	\$ 389,111.00	\$ 351,914.00

The proposed assessment for Fiscal Year 2002 is \$49.98 per Equivalent Benefit Unit (EBU) in Zones 1 - 5. This is the same rate per unit as Fiscal Year 2001. The District contains a total of 4,005.13 EBU's; Zone 1 (554.00 EBUs), Zone 2 (1,208.18 EBUs), Zone 3 (236.56 EBUs), Zone 4 (1,863.66 EBUs), Zone 5 (142.73 EBUs).

FISCAL IMPACT:

It is proposed that the City contribute \$18,600 (0.12/sq. ft.) from the Gas Tax Fund for the maintenance of 155,000 sq. ft. of landscaped medians. This represents the City's share of expenses incurred for maintenance of street medians comparable to similar areas throughout the City. All other costs are assessed to the District.

Loveland/McLatchy/SY

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-114: Three actions related to Stonecrest Village Maintenance Assessment District.

(#38 Serra Mesa/Mission Village Community Area. District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-214)

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2002-215)

Approving the City Engineer's report.

Subitem-C: (R-2002-216)

Approving the Fiscal Year 2002 Budget for the Stonecrest Village Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessment for Stonecrest Village Maintenance Assessment District (District). The District was established in Fiscal Year 1998 to provide maintenance of landscaped medians and parkways along West Canyon Avenue, Daley Center Drive and Stonecrest Boulevard, and the slopes, riparian trails and open space in the areas between the planning area developments and the District boundaries. The improvements are being accepted into the District for maintenance in phases through FY 2005. Expenses in FY 2001 were for District formation and site inspections leading to Phase I being turned over by the owner-developer to the District in FY 2002.

The large Reserve will help defray increased expenses as additional phases are accepted into the District. Following is the proposed FY 2002 budget.

<u>DESCRIPTION</u>	Est. Year End	
	<u>FY 2001</u>	<u>FY 2002</u>
BEGINNING BALANCE	\$ 8,547.00	\$ 201,992.00
REVENUE:		
Assessments	\$ 248,244.00	\$252,099.00
Interest	123.00	5,000.00
City Contribution	<u>3,441.00</u>	<u>3,777.00</u>
TOTAL REVENUE	\$ 251,808.00	\$260,876.00
EXPENSE:		
Personnel	\$ 22,420.00	\$ 33,919.00
Contractual	0.00	125,000.00
Incidental	31,944.00	41,345.00
Utilities	<u>4,000.00</u>	<u>58,300.00</u>
TOTAL EXPENSE	\$ 58,364.00	\$258,564.00
ENDING BALANCE	\$ 201,992.00	\$204,304.00

The proposed assessment for Fiscal Year 2002 is \$149.20 per Equivalent Benefit Unit (EBU). This is the same as Fiscal Year 2001. The District contains 1,689.65 EBUs.

FISCAL IMPACT:

It is proposed that the City will contribute a total of \$3,777 (0.12/sq. ft.) from the Gas Tax Fund for the maintenance of 31,475 sq. ft. of landscaped medians. This represents the City's share of expenses incurred for maintenance of street medians comparable to similar areas throughout the City. All other costs are assessed to the District.

Loveland/McLatchy/SY

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-115: Three actions related to Tierrasanta Maintenance Assessment District.

(#45 Tierrasanta Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-244)

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2002-245)

Approving the City Engineer's report.

Subitem-C: (R-2002-246)

Approving the Fiscal Year 2002 Budget for the Tierrasanta Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessments for Tierrasanta Maintenance Assessment District (District). The District was established in 1972 to provide maintenance for landscaped center medians, open space and various street lights and signs. The District maintains 263,383 sq. ft. of landscaped medians and 907 acres of open space.

The following FY 2002 proposed budget was approved by the Tierrasanta Open Space Committee on July 30, 2001.

<u>DESCRIPTION</u>	Est. Year End	
	<u>FY 2001</u>	<u>FY 2002</u>
BEGINNING BALANCE	\$ 67,434.00	\$ 86,273.00
REVENUE:		
Assessments	\$ 486,010.00	\$ 500,383.00
Interest	1,000.00	6,000.00
City Contributions	<u>54,281.00</u>	<u>251,768.00*</u>
TOTAL REVENUE	\$ 541,291.00	\$ 758,151.00
EXPENSE:		
Personnel	\$ 64,755.00	\$ 67,839.00
Contractual	250,000.00	341,000.00**
Incidental	86,647.00	76,078.00
Utilities	<u>121,050.00</u>	<u>151,800.00</u>
TOTAL EXPENSE	\$ 522,452.00	\$ 636,717.00***
ENDING BALANCE	\$ 86,273.00	\$ 207,707.00

* Includes City contribution for landscape maintenance at population-based parks and at library.

** Includes cost of landscape maintenance at population-based parks and at library.

*** Includes amounts for deferred maintenance projects.

The proposed assessment for Fiscal Year 2002 is \$51 per Equivalent Benefit Unit (EBU) in Zones 1, 2, and 3. The District contains a total of 9,811.42 EBUs in: Zone 1 (8,410.9 EBUs), Zone 2 (1,213.27 EBUs) and Zone 3 (187.25 EBUs). The proposed assessment is an increase of \$1.20 (a 2.4% increase) per EBU from the Fiscal Year 2001 assessment of \$49.80 per EBU.

FISCAL IMPACT:

It is proposed that the City contribute a total of \$251,768. This consists of \$31,606 (\$0.12/sq. ft.) from the Gas Tax Fund for the maintenance of 263,383 sq. ft. of landscaped medians and \$22,675 (\$25/acre) from the Environmental Growth Fund for maintenance of 907 acres of open space. Additionally, the Park and Recreation Department will contribute \$196,265 for grounds maintenance of population-based parks: Tierrasanta, Villa Monserate, Villa Norte, Farb/Roadrunner. In future years, Park and Recreation will contribute corrections for previous years' contributions. The Library Department will contribute \$1,222 for grounds maintenance at the Tierrasanta Branch Library. These City contributions represent the City's share of expenses incurred for maintenance of similar areas throughout the City. All other costs are assessed to the District.

Loveland/McLatchy/SY

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-116: Three actions related to Washington Street Maintenance Assessment District.

(#26 Old San Diego-Mission Hills Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-126)

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2002-127)

Approving the City Engineer's report.

Subitem-C: (R-2002-128)

Approving the Fiscal Year 2002 Budget for the Washington Street Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessments for Washington Street Maintenance Assessment District (District). The District was established in July 1993 to provide maintenance for the landscaping improvements on the Washington Street center islands. For Fiscal Year 2002, the District will maintain 21,647 sq. ft. of landscaped medians (a 8,147 sq. ft. increase from FY2001); 3,157 sq. ft. of hardscape medians, 44,000 sq. ft. of landscaped slopes, 1,120 sq. ft. of street trees and 10,000 sq. ft. of hardscape sidewalks. In addition, the District maintains 3,611 linear feet of median gutters.

The following proposed FY2002 budget is based on current maintenance costs.

<u>DESCRIPTION</u>	<u>Est. Year End</u>	
	<u>FY 2001</u>	<u>FY 2002</u>
BEGINNING BALANCE	\$ 4,486.00	\$ 8,072.00
REVENUE:		
Assessments	\$ 32,196.00	\$ 34,710.00
Interest	459.00	459.00
City Contributions	<u>1,620.00</u>	<u>2,598.00</u>

TOTAL REVENUE	\$	34,275.00	\$	37,767.00
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EXPENSE:

Personnel	\$	3,253.00	\$	3,374.00
Contractual		19,787.00		22,000.00
Incidental		4,405.00		5,008.00
Utilities		<u>2,830.00</u>		<u>3,190.00</u>
TOTAL EXPENSE	\$	30,275.00	\$	33,572.00

ENDING BALANCE	\$	8,072.00	\$	12,267.00
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The proposed assessment for Fiscal Year 2002 is \$15.94 per Equivalent Benefit Unit (EBU). The District contains 2,177.41 EBU's. The assessment is an increase of \$1.02 (a 6.8% increase) per EBU from the Fiscal Year 2001 assessment of \$14.92 per EBU. The increase is necessary to cover inflation and retain an Ending Balance for use as an Operating Reserve.

FISCAL IMPACT:

It is proposed that the City contribute a total of \$2,598 from the Gas Tax Fund toward the maintenance of 21,647 sq. ft. of landscaped medians (0.12/sq. ft.). This represents the City's share of expenses incurred for maintenance of street medians comparable to similar areas throughout the City. All other costs are assessed to the District.

Loveland/McLatchy/SY

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-117: Three actions related to Webster/Federal Boulevard Maintenance Assessment District.

(#41 Webster Community Area. District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-199)

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2002-200)

Approving the City Engineer's report.

Subitem-C: (R-2002-201)

Approving the Fiscal Year 2002 Budget for the Webster/Federal Boulevard Maintenance Assessment District.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessments for the Webster/Federal Boulevard Maintenance Assessment District (District). The District was established in 1995 to provide maintenance of 18,000 sq. ft. of landscaped island medians on Federal Boulevard from Euclid Avenue to 47th Street. The following FY 2002 proposed budget is based on projected maintenance costs. The District has accumulated excess Reserves.

Since the property owners have not formed an oversight group for the District, staff will work the property owners to form a group in order to address the assessment rate and/or uses for the excess Reserves.

<u>DESCRIPTION</u>	<u>Est. Year End</u>	
	<u>FY 2001</u>	<u>FY 2002</u>
BEGINNING BALANCE	\$ 41,462.00	\$ 49,194.00
REVENUE:		
Assessments	\$ 18,714.00	\$ 18,721.00
Interest	2,500.00	3,000.00
City Contribution	<u>2,160.00</u>	<u>2,160.00</u>
TOTAL REVENUE	\$ 23,374.00	\$ 23,881.00
EXPENSE:		
Personnel	\$ 4,195.00	\$ 4,749.00
Contractual	5,000.00	5,250.00
Incidental	2,332.00	2,937.00
Utilities	<u>4,115.00</u>	<u>4,435.00</u>
TOTAL EXPENSE	\$ 15,642.00	\$ 17,371.00
ENDING BALANCE		
(Reserve)	\$ 49,194.00	\$ 55,704.00

The proposed assessment for Fiscal Year 2002 is \$18.94 per Equivalent Benefit Unit (EBU). The assessment is the same as Fiscal Year 2001. The District contains 988.42 EBU's.

FISCAL IMPACT:

It is proposed that the City contribute \$2,160 from the Gas Tax Fund for the maintenance of 18,000 ft. of medians (0.12/sq. ft.). This represents the City's share of expenses incurred for maintenance of street medians comparable to similar areas throughout the City. All other costs

are assessed to the District.

Loveland/McLatchy/SY

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-118: Easement Abandonments - Empire Centre.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-236)

Vacating the flood water storage easement located within Parcel Map PM-15238, and the flood water storage, drainage and slope easements located within Parcel Map PM-18224.

CITY MANAGER SUPPORTING INFORMATION:

City Council action is requested to vacate flood water storage, drainage and slope easements in the Empire Centre project. This property is located in the Otay Mesa Planning Area within Council District 8. The original project plans have been modified to accommodate the creation of a vernal pool conservation easement. The site grading needed to be modified and therefore all easements related to the grading must also be modified. New flood water storage and flowage easements were granted during the redesign. The City Engineer has determined that there is no further need for these easements and therefore recommends approval of the easement abandonments. The easements were acquired at no cost to the City.

Loveland/Haase/AKW

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-119: Miramar Trunk Sewer Realignment - Exchange of Easements.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-250)

Authorizing the City Manager to accept an Easement Deed of the San Diego Unified School District of San Diego County, conveying to the City a 20-foot wide sewer easement across a portion of Pueblo Lot 1278 and portions of unnumbered Pueblo Lots of Pueblo Lands of San Diego, in the City of San Diego, according to Misc. Map No. 36, for the realignment of a segment of the existing Miramar Trunk Sewer;

Authorizing the City Manager to execute a quitclaim deed, quitclaiming to the San Diego Unified School District of San Diego County, California, all of the City's right, title and interest in the portions of the existing 20-foot wide Miramar Trunk and Rose Canyon Trunk sewer easements, replaced by the new sewer alignment granted by the San Diego Unified School District across a portion of Pueblo Lot 1278 and portions of unnumbered Pueblo Lots of Pueblo Lands of San Diego, in the City of San Diego, according to Misc. Map No. 36;

Authorizing the expenditure of an amount not to exceed \$15,000 from Sewer Fund 41506, CIP-46-194.0, Annual Allocation - Trunk Sewer Rehabilitations, for providing funds for property related acquisition charges.

CITY MANAGER SUPPORTING INFORMATION:

During the Fall of 1998, emergency repair work required the realignment of approximately 1,450 lineal feet of the Miramar Trunk Sewer on San Diego Unified School District property located north of University City High School. This action provides for an exchange of easements between the City of San Diego and the San Diego Unified School District for that portion of the sewer pipeline requiring realignment as a part of the project. The School District is granting the City a new easement for the portion of the pipeline that was realigned. The City is executing a Quitclaim Deed to the School District for those portions of the existing pipeline easements that were replaced by the new alignment. The easements being acquired and quitclaimed are of comparable size and utility.

FISCAL IMPACT:

The easements being exchanged are of comparable size and utility and there will be no cost to either agency for the property rights exchanged. However, funding in the amount of \$15,000 is required to cover accumulated labor and other costs associated with the acquisition project. These funds are available in Sewer Fund 41506, CIP- 46-194.0.

Herring/Griffith/SAC

Aud. Cert. 2001024.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-120: Two actions related to 38th and Redwood Streets Burn Site - Additional Property Acquisition.

(City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-143)

Authorizing the acquisition and expenditure of \$340,000 from CIP-32-010 for property rights and related costs;

Stating for the record that the final Negative Declaration LDR- 40-09-12 has been reviewed and considered prior to approving the project.

Subitem-B: (R-2002-144)

Authorizing the expenditure by the Environmental Services Department of \$90,000 from CIP-32-010, for compensation for loss of use;

Authorizing the re-sale of the purchased properties by the Real Estate Assets Department, when directed by the Environmental Services Department, and the proceeds from the sale of these properties be returned to the Refuse Disposal Enterprise Fund.

CITY MANAGER SUPPORTING INFORMATION:

Historic records indicate that a burn dump was operated prior to 1938 in the vicinity of 38th and Redwood Streets. Residual burn ash from around several properties at this location was recently removed by the U.S. Environmental Protection Agency to eliminate the threat of exposure to elevated levels of lead in the soils within the top three (3) feet of their yards.

During this removal action burn ash and potentially elevated levels of lead were found projecting under the foundation and walkways of some homes. Although the burn ash poses no health risk if it remains covered and undisturbed, the potential for future contact with the burn ash by homeowners and contractors (maintenance, repairs and replacement work) is potentially significant due to the burn ash directly under the structures. By Resolution

R-294624 adopted on March 5, 2001, the City Council authorized the purchase of five (5) properties for this project. This current action is recommending the potential purchase of additional properties found to be impacted, and the authorization to re-sell the affected properties at some future date.

FISCAL IMPACT:

Funds in the amount of \$430,000 are available from CIP-32-010 (Annual Allocation Unclassified Disposal Sites) for acquisition and related acquisition and relocation expenses.

Herring/Griffith/MFW

Aud. Cert. 2200075.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-121: Two actions related to Award of Matching Grant from the California Integrated Waste Management Board for the 38th and Redwood Streets Burn Site Project.

(City Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-142)

Authorizing the City Manager to accept a matching grant from the California Integrated Waste Management Board for the 38th and Redwood Streets Burn Site Project;

Authorizing the appropriation and expenditure of grant funds up to \$750,000 from CIP-32-0100, Annual Allocation - Unclassified Disposal Sites, contingent upon receipt of funds.

Subitem-B: (R-2002-146)

Certifying that the information contained in the final document LDR-40-0912 has been completed in compliance with the California Environmental Quality Act and State guidelines, and that the Negative Declaration has been reviewed and considered by Council in connection with the approval of accepting a matching grant from the California Integrated Waste Management Board for the 38th and Redwood Streets Burn Site Project;

Directing the City Clerk to file a Notice of Determination with the Clerk of the Board of Supervisors of San Diego County.

CITY MANAGER SUPPORTING INFORMATION:

Historical records indicate that a burn site (a site where municipal trash was dumped and burned) was operated at the intersection of 38th and Redwood Streets prior to 1938.

In 1999 the Environmental Services Department along with the California Integrated Waste Management Board (CIWMB) began investigating the extent of burn ash contamination. In early 2000, the Environmental Services Department retained the services of an engineering consultant to complete the assessment. This assessment found contaminated soils extended onto eight residential properties, the City's vacant lot and Caltrans easement along Hwy. 15. In November of 2000, the EPA performed and completed the removal and disposal of the top 3-feet of contaminated soil and backfilled the excavation with clean soil material.

In February 2000, City Council per Resolution R-2000-823 approved the application to CIWMB for a matching grant. On June 19, 2001 CIWMB awarded a matching grant not to exceed \$750,000 for expenditures related to the 38th & Redwood Streets Burn Site Project.

This action will allow for the acceptance of this grant and receipt of these funds into the Refuse Disposal Enterprise Fund, CIP-32-0100 (Annual Allocation - Unclassified Disposal Sites).

FISCAL IMPACT:

Receipt of up to \$750,000 into CIP-32-0100 for the 38th & Redwood Streets Burn Site Project.

Loveland/Hays/CG

Aud. Cert. 2200074.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-122: Solid Waste Local Enforcement Agency (LEA) Application for Waste Tire Grant.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-198)

Authorizing the application for and acceptance of Waste Tire Enforcement Grant from the California Integrated Waste Management Board.

CITY MANAGER SUPPORTING INFORMATION:

The California Integrated Waste Management Board (CIWMB) is offering waste tire enforcement grant monies to local agencies. Up to \$200,000 per applicant will be considered for enforcement and surveillance activities. The grant term is from September 1, 2001 to April 1, 2004. The LEA is requesting \$110,820 in grant monies and is planning to start utilizing these funds on April 2, 2002 after the current Waste Tire Enforcement Grant is concluded on April 1, 2002.

The City of San Diego Development Review Department, Solid Waste Local Enforcement Agency (LEA) was authorized on November 19, 1997 by the CIWMB to carry out the duties and responsibilities for solid waste inspections, permitting, and enforcement within the City's jurisdiction. The LEA proposes to request grant funds to continue its implementation of an effective waste tire enforcement and surveillance program which will provide guidance to waste tire generators and when necessary, take the enforcement actions necessary to remedy threats to the public health, safety and the environment.

During the initial implementation of the FY 98-99 and the FY 99-00 grants, the LEA discovered many illegal operating procedures in tires shops, franchised solid waste haulers and State registered tire haulers. The LEA also found illegal tire piles adjacent to city streets and alleys which are costly to cleanup. A higher level of compliance has been achieved within the City during the previous grant cycles and the LEA hopes to maintain and improve this level of compliance under this proposed grant application.

Community outreach and education is another feature of the LEA's Waste Tire Enforcement Program. The LEA has made presentations to the San Diego Police Department-Traffic Division and held meetings with Solid Waste Code Enforcement to explain and coordinate tire enforcement actions. These meetings have provided a bridge of communication with other City enforcement agencies. Also the LEA has made presentations to several industry groups including the San Diego County Disposal Association, California Waste Association and the Otay Mesa Auto Recycler Association to inform these parties of their responsibilities and procedures for proper waste and used tire handling. These presentations have been informative to the regulated community and have provided a forum where feedback from stakeholders regarding waste tire regulatory issues can be heard and acted upon.

Loveland/Haase/PM

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-123: Fiscal Year 2002 Proposed San Diego Data Processing Corporation (SDDPC) Budget.

(See City Manager Report CMR-01-164.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-258)

Approving the proposed Fiscal Year 2002 San Diego Data Processing Corporation budget, totaling \$81,938,324.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-124: Renewal and Continued Participation in the California State Association of Counties - Excess Insurance Authority (CSAC-EIA), a Joint Power Authority.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-223)

Authorizing the City Manager, for and on behalf of the City as a member of the California State Association of Counties, to take the following actions:

1. To continue membership and participation in CSAC-EIA through Fiscal Year 2005-2006.
2. To renew the City's Property Insurance policy for the period of March 31, 2001 through March 31, 2002, in the amount of \$1,904,059 and increase the current coverage limits for the Excess Liability Insurance policies from \$24 million (in excess of a \$1 million self insurance retention) to \$54 million for an additional premium of up to but not exceeding \$270,000.
3. To review and approve additional premium payments for increases in property values, liability limits, special endorsements and subsequent renewals of insurance policies through CSAC-EIA through Fiscal Year 2005-2006.

CITY MANAGER SUPPORTING INFORMATION:

The City has been a member of the California State Association of Counties - Excess Insurance Authority since 1995. The City's membership provides for the joint purchase of Property/Earthquake Insurance and Liability Insurance policies with the combined buying power of 57 other counties. Currently the Property/Earthquake Insurance market has hardened and the

capacity to provide earthquake coverage required on bond financed properties has become extremely limited or unavailable on the open market without CSAC's joint buying power. This year's property rate is .0210 cent per \$100 of insured value. The Earthquake rate is .1420 cent per \$100 of insured value. The City insures \$1,874,881,330 in total insured value (TIV) which includes \$274,431,788 in newly added structures mostly involving MWWDD Wastewater Treatment Facilities. The total property insurance premium, including Earthquake coverage, is \$1,904,059.

In the area of Liability Insurance for Fiscal Year 2001, the City had two claim settlements exceed our \$1 million self insurance retention requiring the insurance carrier to pay the amount over our \$1 million Self Insurance Retention. At the request of the City Council, the City Manager has reviewed our Liability coverages. Other cities, such as Portland, Oregon, currently have a \$50 million Liability Insurance Limit, and Phoenix, Arizona, currently has a \$75 million Liability Insurance Limit. Also, in California, there are no State imposed Tort Limits (Caps) protecting governmental entities by limiting the City's exposure on large verdicts. Large claims, such as one pending with another CSAC member involving double quadriplegic injuries, could readily exceed a \$24 million policy limit. The current Liability Insurance paid up premium is \$1,269,560 for \$24 million Liability Limits with only a \$1 million Self Insurance Retention. In light of recent large jury verdict awards and an overall increase in claims litigation, the City Manager recommends increasing our Excess Liability Insurance from the current \$24 million to \$54 million (in excess of a \$1 million dollar self insurance retention.)

Ewell/Lexin/PY

Aud. Cert. 2200100.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-125: Settlement of the Personal Injury Claims of Nick and Betty Prokop.

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-137)

A Resolution approved by the City Council in Closed Session on Tuesday, July 10, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Maienschein-yea; Frye-yea; Madaffer-yea; Inzunza-not present; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$75,000 in the settlement of each and every claim against the City, its agents and employees, resulting from Nick Prokop's trip and fall at Qualcomm Stadium on April 29, 2000 (Superior Court Case No. GIC-754816, Prokop v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$75,000 made payable to Nick and Betty Prokop and Biren & Katzman, their attorneys of record, in full settlement of the lawsuit and all claims;

Declaring that the funds are to be payable from Fund No. 81140, Public Liability Reserve Fund.

CITY MANAGER SUPPORTING INFORMATION:

This constitutes the complete and final settlement of the personal injury claims of Nick and Betty Prokop, against the City of San Diego, its agents and employees, as a result of the incidents which occurred on April 29, 2000.

Lexin/Oliva/JE

Aud. Cert. 2200085.

NOTE: The Auditor's Certificate was not requested prior to Closed Session. The vote taken in Open Session shall be the official vote.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-126: Council District 6 - FY 2002 Community Development Block Grant Program.

(District-6.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-124)

Approving the projects selected by Council District 6 to be incorporated into the City's FY 2002 Community Development Block Grant (CDBG) Action Plan;

Amending the FY 2002 CDBG Action Plan to include the projects;

Authorizing the City Manager to negotiate and execute agreements with programs selected by Council District 6 and approved for funding, contingent upon certification of funds availability by the City Auditor and Comptroller;

Authorizing the City Manager to reprogram funding from prior year Council District 6 CDBG funded projects to FY 2002 projects, contingent upon

certification of funds availability by the City Auditor and Comptroller.

CITY MANAGER SUPPORTING INFORMATION:

On May 15, 2001 the City Council approved the projects to be included in the City of San Diego's FY 2002 CDBG Action Plan and submitted it to the U.S. Department of Housing and Urban Development (Resolution R-294849). On that date, the Sixth Council District seat was vacant. As a result, no projects were funded from the Council District 6 CDBG allocation for FY 2002. These funds were placed in an unprogrammed status until a District 6 Councilmember was elected to office.

There is \$1,225,055 of CDBG funds from the FY 2002 entitlement grant available for allocation. In addition, \$74,880 of prior year CDBG funds have been identified for reprogramming into FY 2002 projects. Thus a total of \$1,329,935 is available for allocation.

It is anticipated that the District 6 Councilmember will issue a memorandum to the Mayor and City Council identifying funding priorities prior to approval of this item. Today's action will approve those projects selected by Council District 6 for funding and add them to the City's FY 2002 CDBG Action Plan.

FISCAL IMPACT:

Funds are available from the Community Development Block Grant Program.

Herring/Cunningham/EL

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-127: Reprogramming of District 8 CDBG Funds.

(District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-125)

Authorizing the City Manager to reprogram Council District 8 Community Development Block Grant (CDBG) funds;

Authorizing the City Auditor and Comptroller to transfer \$100,000 of District 8 CDBG funds, \$50,000 from Logan Heights Revitalization (4232/3213) and

\$50,000 from Southcrest Revitalization (4232/3224), to Casa Familiar (4243/4301) \$75,000 and Black Contractors Association (4238/3801) \$25,000;

Authorizing the City Manager to execute agreements with Casa Familiar, Inc. and Black Contractors Association for the use of the funds.

CITY MANAGER SUPPORTING INFORMATION:

On May 15, 2001, the City Council approved (Resolution R-294849) the Projects to be included in the City's FY 2002 Community Development Block Grant (CDBG) Program. Included in Council District 8's allocations were the Southcrest Revitalization and the Logan Heights Revitalization projects at \$50,000 each. Council District 8 now wishes to transfer the funds from these two projects to two different projects. They are:

- a) Casa Familiar, Inc., \$75,000 for Community and Economic Development activities that include improvements to two activity centers operated under lease with the City, assistance in implementation of the Strategic Framework Element and development of the "City of Villages" concept and implementation of the community development program masterplan.
- b) Black Contractors Association, \$25,000 for Project Fresh Start - Youthbuild, a self help program where youth will build homes for low income households. Funds will be used to acquire properties that will be rehabilitated by the youth in the program.

FISCAL IMPACT:

Funds are available from the Community Development Block Grant Program.

Herring/Cunningham/EL

Aud. Cert. 2200064.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-128: San Ysidro/Otay Mesa Traffic Signal Interconnect.

(Otay Mesa and San Ysidro Community Areas. Districts-2 and 8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1766)

Authorizing the City Manager to accept the Program Supplement No. 11-5004 to the Local Agency-State Agreement for Federal Aid Project No. CMLG-5004(112), for the amount of \$117,100 in Congestion Mitigation and Air Quality Funds, Fund No. 38688;

Authorizing the City Manager to apply for, and accept, an additional Program Supplement in the amount of \$672,900, for a total of \$790,000 in Congestion Mitigation and Air Quality Funds, Fund No. 38688;

Authorizing the City Auditor and Comptroller to amend the FY2001 Capital Improvement Program budget by adding the project, CIP-62-320.0;

Authorizing the appropriation and expenditure of an amount not to exceed \$117,100 from CIP-62-320.0, Fund No. 38688, for funding the preliminary engineering of the project;

Authorizing the appropriation and expenditure of an amount not to exceed \$672,900 from CIP-62-320.0, Fund No. 38688, for funding the construction of the project, contingent upon receipt of a fully executed Program Supplement;

Authorizing the Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

This project will install traffic signal interconnect systems on the following streets:

Coronado Avenue between Thermal Avenue and Beyer Boulevard
Beyer Boulevard between Coronado Avenue and Alaquinas Drive
Iris Avenue between 27th Street and Beyer Boulevard
Cottonwood Road between Beyer Boulevard and San Ysidro Boulevard

Dairy Mart Road between San Ysidro Boulevard and Beyer Boulevard
Hollister Street between Tocayo Avenue and Coronado Avenue
Tocayo Avenue between Hollister Street and Oro Vista Road
Saturn Boulevard between Grove Avenue and Coronado Avenue
Smythe Avenue between State Route 905 and Beyer Boulevard
Picador Boulevard between State Route 905 and Del Sol Boulevard
Ocean View Hills Parkway between Dennery Road and Otay Mesa Boulevard
Otay Mesa Road between Ocean View Hills Parkway and Heritage Road

The estimated cost of the project is \$790,000 of which \$117,100 is for design and \$672,900 is for construction.

FISCAL IMPACT:

The total cost of this project is \$790,000.00, which is reimbursable by a Federal (CMAQ) grant.

Loveland/Belock/PB

Aud. Cert. 2101268.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-129: Roadrunner Neighborhood Park - Tot Lot ADA Upgrade.

(Tierrasanta Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-239)

Amending the Fiscal Year 2002 Capital Improvements Program Budget by increasing CIP-29-839.0, Roadrunner Neighborhood Park - Tot Lot ADA Upgrade, by an amount not to exceed \$100,000;

Authorizing the appropriation of an amount not to exceed \$24,000 from Park Service District Fund No. 11340 and an amount not to exceed \$76,000 from CDBG Fund No. 18535 to CIP-29-829.0;

Authorizing the expenditure of an amount not to exceed \$100,000 from CIP-29-839.0, for the purpose of providing funds for the construction of the contract and related costs;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The proposed Roadrunner Neighborhood Park - Tot Lot ADA Upgrade project is located at 4734 La Cuenta Drive, in the Tierrasanta Community area. The existing park is a multi-use park built approximately 21 years ago. The project provides for tot lot ADA upgrade, ADA picnic tables, barbeques, accessible drinking fountain, and three (3) spring riders, as requested by the community.

FISCAL IMPACT:

The estimated total project cost is \$129,000 of which \$29,000 has been previously approved (CDBG Fund No. 18535, Dept. No. 4183). The additional funds requested are available in the amount of \$24,000 in Park Service District Fund No. 11340, and \$76,000 CDBG Fund No. 18535. With this action, the requested funding will be made available in CIP-29-839.0 to award a construction contract for this project.

Loveland/Belock/AO

Aud. Cert. 2200092.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-130: Ventura Place Entryway Project.

(Mission Beach Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-269 Cor. Copy)

Authorizing the City Auditor and Comptroller to reprogram an amount not to exceed \$249,879 in TransNet Commercial Paper, Fund 30306, from CIP-52-503.0, Sports Arena Boulevard (Rosecrans Street to Midway Drive) to CIP-52-687.0, Ventura Place Entryway Project;

Authorizing the City Auditor and Comptroller to reprogram an amount not to exceed \$99,131 from Fund 10532, Belmont Traffic Amelioration Fund to CIP-52-687.0, Ventura Place Entryway Project;

Authorizing the City Auditor and Comptroller to amend the CIP budget by increasing the appropriation of CIP-52-687.0, Ventura Place Entryway Project, by \$429,010;

Authorizing the City Auditor and Comptroller to expend not to exceed \$429,010 from CIP-52-687.0, Ventura Place Entryway Project, of which \$249,879 is from Commercial Paper Fund 30306, \$99,131 is from Belmont Traffic Amelioration Fund 10532, and \$80,000 from CDBG Fund 18535, for the construction of the Ventura Place Entryway Project;

Authorizing the City Manager to execute a construction contract with the lowest responsible and reliable bidder;

Authorizing the City Auditor and Comptroller to return excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The Ventura Place Entryway Projects, CIP-52-687.0, provides for the construction of a modified 70' diameter turnaround at the west end of Ventura Place. Other improvements will include new concrete benches, bike racks, bollards, landscaping, irrigation, patterned sidewalk and artwork. In addition, the improvements include replacing the existing curb, gutter, and sidewalk on the north side of Ventura Place with patterned concrete, street lights, and pop-outs. The additional funds are required to pay for items of work that were added to the original scope of work, such as landscaping, artwork, street lights, pop-outs, new parking spaces in the Belmont Park south parking lot, tour bus drop-off space, irrigation, decorative fence, A.C. overlay, business outreach consultant services, and additional engineering and administration costs.

FISCAL IMPACT:

The total cost of the project is \$716,345, of which \$267,335 is from CIP-52-687.0, Transnet Fund 30300, \$100,000 is from CDBG Fund 18535, and \$249,879 is to be transferred from CIP-52-503.0, Transnet Fund 30306, and \$99,131 is to be transferred from Belmont Traffic Amelioration Fund 10532. In an effort to defer the issuance of commercial paper, available cash in the amount of \$249,879 will be identified through our cash management process. No expenditures will be incurred against commercial paper.

Loveland/Belock/PB

Aud. Cert. 2200009.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-131: South Bound Truck Route - Otay Mesa - Fund Transfer and Additional Expenditures.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-182)

Authorizing the City Auditor and Comptroller to reprogram an amount not to exceed \$15,072.61 from Fund 30304, CIP-52-662.0, Palm Avenue Median Improvement - Phase 4, to CIP-52-682.0, South Bound Truck Route - Otay Mesa;

Authorizing the City Auditor and Comptroller to reprogram an amount not to exceed \$30,000 from Fund 30300, CIP-53-037.0, AA-Earthquake Restrainers, to CIP-52-682.0, South Bound Truck Route - Otay Mesa;

Authorizing the expenditure of an amount not to exceed \$45,072.61 from CIP-52-682.0, South Bound Truck Route - Otay Mesa, of which \$15,072.60 is from Fund 30304 and \$30,000 is from Fund 30300 for the Otay Mesa South Bound Truck Route project;

Authorizing Change Order No. 1, dated February 16, 2001, issued in connection with the contract with Nicholas Grant Corporation / California Commercial Asphalt, amounting to a net increase in the contract price of \$42,466.36;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

With restrictions on commercial trucks crossing through the San Ysidro Border Crossing, traffic congestion increased significantly at the Otay Mesa Border Crossing. This resulted in both safety and traffic problems causing a great concern by the surrounding businesses. In order to correct this situation, a designated Truck Route was proposed which would keep these commercial trucks off the local streets. The Otay Mesa Truck Route Project consists of 5,200 feet of 24 inches wide asphalt and concrete roadway extending La Media Road to the south then heading easterly along the Otay Mesa border fence to Drucker Lane and the Otay Mesa Border Crossing. It is a critical transportation corridor for all commercial truck traffic to Mexico. The construction is substantially complete, however, an additional \$45,072.60 is required to finish the final items of work and closeout the project. Of this amount, \$42,466.36 is for Change Order No. 1, which is necessary to address some minor changes to the original project scope and refinements to the final quantities of work. This will be the only change order for the project and represents less than 4 percent of the total project cost. The remaining \$3,672 is compensation to SDG&E for the relocation of their facilities, from a previously unknown easement, which was necessary to allow the construction to commence. Of the \$1,100,000 budget, the City accepted \$300,000 from the State of California Department of Transportation (Caltrans) in a lump sum contribution and no additional funds will be provided by Caltrans.

FISCAL IMPACT:

The total estimated cost of the project is \$1,145,072.60 and of this amount, \$1,100,000 has been previously authorized. Additional funding of \$45,072.60 is available as follows: \$30,000 is

available from CIP-53-037.0, AA-Earthquake Restrainers, and \$15,072.60 is available from CIP-52-662.0, Palm Avenue Median Improvement - Phase 4.

Loveland/Belock/PB

Aud. Cert. 2200076.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-132: Larsen Field Multipurpose Field Improvements.

(San Ysidro Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-237)

Amending the Fiscal Year 2002 Capital Improvements Program budget by increasing CIP-29-450.0, by an amount not to exceed \$53,000;

Authorizing the appropriation of an amount not to exceed \$19,000 from San Ysidro Park Fees Fund No. 11740 and an amount not to exceed \$34,000 from Building Permit Fee Fund No. 16000 to CIP-29-450.0;

Authorizing the expenditure of an amount not to exceed \$211,500 from CIP-29-450.0 for providing the necessary funds for the award of a construction contract for the project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The proposed Larsen Field Improvements project is located at 395 Sycamore Road, in the San Ysidro Community area. The existing facility is a multi-use park built approximately 27 years ago. This project will provide for eight inches (8") of Class "A" Top Soil, turf, irrigation renovation, and security lights as requested by the community.

FISCAL IMPACT:

The estimated total project cost is \$211,500 of which \$158,500 has been previously approved. The additional funds requested in the amount of \$19,000 is available in San Ysidro Park Fees, and \$34,000 is available in the Building Permit Fee Fund. With this action, the necessary funding will be made available in CIP-29-450.0 to award a construction contract for this project.

Loveland/Belock/AO

Aud. Cert. 2200090.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-133: Three actions related to the Final Subdivision Map of Ocean View Hills Corporate Center Unit No. 2.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-161)

Authorizing the City Manager to execute a Subdivision Improvement Agreement with Pardee Construction Company for the installation and completion of certain public improvements.

Subitem-B: (R-2002-160)

Approving the final map.

Subitem-C: (R-2002-162)

Accepting a grant deed of Pardee Construction Company and Pardee Construction Company, executed in favor of the City of San Diego, bearing date of March 21, 2001, granting to the City Lot "A" of Ocean View Hills Corporate Center Unit No. 2 for open space purposes.

CITY MANAGER SUPPORTING INFORMATION:

This map proposes the subdivision of a 62.529 acre site into 22 lots for industrial development plus Lot "A" for open space purposes. It is located northeasterly of I-805 and SR-905 in the Otay Mesa Community Plan area. On April 12, 1994 the Council of the City of San Diego approved City Council Resolution No. R-283694 for Otay Corporate Center North. The City Engineer has

approved the final map and states that all conditions of the Tentative Map have been satisfied. The public improvements required for this subdivision are shown in detail on Drawing Number 30043-1-D through 30043-24-D, filed in the Office of the City Clerk under Micro Number 141.00. All improvements are to be completed within two years. The Engineer's estimate for the cost of public improvements is \$3,374,759 and a Performance Bond in that amount has been provided as surety. A cash bond in the amount of \$4,400, as determined by the surveyor's estimate, has been posted as surety for the setting of survey monuments. Lot "A" is being deeded to the City at no cost. The lot totals 26.429 acres in size. No park fee credit is being granted by this action. The lot is to be used for open space purposes. This subdivision is located in the Otay Mesa Facilities Financing Plan area, which provides for the payment of a Facilities Benefits Assessment (FBA), including parks, at the time of building permit issuance. This community may be subject to impact fees, as established by the City Council, at the time of building permit issuance. This is part of a larger project. This portion of the project with 22 industrial lots is estimated to generate 4,332 average daily trips (ADT). 3,189 of these trips are estimated to occur on three segments of the nearby SR-905 and Interstate 805, which have an estimated near term plus project volume of 51,189, 56,354 and 100,657 on different segments. The total estimated impact fee payment for the portion of Ocean View Hills Corporate North is \$11,392,107 under FY 2001 rates. A portion of these fees will go toward the construction of Ocean View Parkway and improvements at Palm Avenue/I-805 interchange per the Otay Mesa Public Facility Financing Plan.

FISCAL IMPACT:

None.

Loveland/Haase/GB

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-134: Talmadge Day.

COUNCILMEMBER ATKINS'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-238)

Celebrating the rich history of the neighborhood of Talmadge and recognizing it as one of the City's most distinctive communities;

Proclaiming August 4, 2001 to be "Talmadge Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-135: Harlem West Fest Day.

DEPUTY MAYOR STEVENS'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-120)

Proclaiming July 20, 2001 to be "Harlem West Fest Day" in recognition of the event.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-136: Diagonal Parking on the West Side of 13th Street Between E Street and G Street.

(Centre City Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-115)

Approving diagonal parking on the west side of 13th Street between E Street and G Street, pursuant to San Diego Municipal Code Section 86.03;

Authorizing the installation of the necessary signs and markings, declaring that the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes diagonal parking on the west side of 13th Street between E Street and G Street. The west side of 13th Street between E Street and F Street is fronted by a San Diego Community College District facility and currently is unrestricted parallel parking. There would be a gain of three parking spaces by converting parallel parking to diagonal (12 parallel v. 15 angle). The Community College District has signed a petition requesting the establishment of diagonal parking at this location. The west side of 13th Street between F Street and G Street is fronted by the New School of Architecture and currently is two hour metered parallel parking. There would be a gain of six parking spaces by converting parallel two hour parking to diagonal

two hour parking (15 parallel v. 21 angle). The New School of Architecture has signed a petition requesting the establishment of diagonal parking at this location.

FISCAL IMPACT:

Fiscal impact is minimal. Funds are budgeted within the Transportation Department, Street Division's operating fund for this purpose.

Loveland/Gonzalez/AH

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-137: Commercial Vehicle Prohibition on "A" Street.

(District-4.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-114)

Prohibiting commercial vehicles with a gross vehicle weight rating of over 10,000 pounds from operating on "A" Street between 47th Street and 49th Street, pursuant to the authority delegated to the City under California Vehicle Code Section 35700 et seq.;

Authorizing the installation of the necessary signs and markings; declaring that the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action prohibits commercial vehicles with a rated capacity of five tons or more from using "A" Street between 47th Street and 49th Street. By law, passenger buses, public utility vehicles, and commercial vehicles with an origin or destination on the affected street are exempt from this provision. Alternate routes for commercial vehicles include 47th Street, Federal Boulevard, and Euclid Avenue. Council approval is required according to San Diego Municipal Code Section 85.04.

A petition representing 22 or 29 affected properties, representing 76% of the abutting frontage, was submitted in support of this action.

The Eastern Area Planning Committee supports this action.

FISCAL IMPACT:

Fiscal impact is minimal. Funds are budgeted within the Transportation Department, Street Division's operating fund for this purpose.

Loveland/Gonzalez/AH

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-138: Angle Parking on Hawley Boulevard.

(Normal Heights Community Area. District-3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-116)

Approving angle parking on the east side of Hawley Boulevard from School Street northerly to the alley;

Authorizing the installation of the necessary signs and markings, declaring that the regulations imposed shall become effective upon the installation of the signs.

CITY MANAGER SUPPORTING INFORMATION:

This action permits angle parking on the east side of Hawley Boulevard from School Street northerly to the alley. Currently, there is parallel parking in this segment. This action will provide 3 additional parking spaces. Council approval is required according to San Diego Municipal Code Section 86.03. The one fronting property owner submitted a petition supporting this action. The Normal Heights Community Planning Committee and the Adams Avenue Business Association support this action.

FISCAL IMPACT:

Fiscal Impact is minimal. Funds are budgeted within the Transportation Department, Street Division's operating fund for this purpose.

Loveland/Gonzalez/AH

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-139: San Diego 18 Flow Control Facility - Third Amendment to the Agreement with San Diego County Water Authority (CWA).

(College Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-50)

Authorizing the City Manager to execute a Third Amendment to the agreement with the San Diego County Water Authority, in an amount not to exceed \$33,000, to provide post construction administrative support related to warranty, startup, and future coordination in connection with the San Diego 18 Flow Control Facility, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure is deposited in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego 18 Flow Control Facility (FCF) will serve to control and meter flow from the San Diego County Water Authority (CWA) Pipeline 4E1 to the Mid City Pipeline (MCPL). The MCPL project is for the construction of approximately five miles of 48-inch, 24-inch, and 20-inch water mains along El Cajon Blvd. in San Diego. The MCPL project will bring a needed backup supply of drinking water and improved water pressure to the communities of Mid-City area. It will complement the only existing supply of water to the area, currently delivered by the Trojan Pipeline, and improve water delivery reliability. The Project is now about 70 percent complete and is expected to be finished by the Spring of 2002. It also includes construction of 1200 feet of 48" inlet water pipe which is part of an agreement between the City of San Diego and CWA and will provide for the source of water to the MCPL project.

As part of the agreement, the City agreed to compensate the CWA for design and construction of a flow control facility for the control and measurement of the flow of water from CWA Pipeline 4E1 to the MCPL. On September 9, 1996 (R-287801) the City entered into an agreement with CWA for design, construction, and operation of SD18 FCF for the purpose of measuring water flow from CWA's pipeline No. 4E1 into the MCPL. The First Amendment to the agreement dated October 31, 1997 (R-289470) was approved to allow the City to acquire the site for the

SD18 FCF. The Second Amendment to the agreement was approved on March 29, 1999 (R-291433) to establish terms and conditions for the construction of inlet pipeline along 70th Street and El Cajon Blvd. by the City of San Diego. The Third Amendment clarifies the agreement and establishes terms and conditions for the costs associated with post construction activities for SD18 FCF. Post construction activities include start-up, warranty, and coordination of work with the MCPL.

FISCAL IMPACT:

The total request of \$33,000 is available within CIP-75-927.0, San Diego Flow Control Facility and its funding that has been previously authorized.

Loveland/Gardner/MML

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-140: Fourth Amendment to the agreement with Conwell Shonkwiler and Associates, for professional services required for the development of the Point Loma Library.

(Peninsula Community Area. District-2.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-145)

Authorizing the City Manager to execute a Fourth Amendment to the agreement with Conwell Shonkwiler and Associates, for professional services required for the development of the Point Loma Library;

Authorizing the expenditure of an amount not to exceed \$147,130 from Fund 10252, CIP-35-067.0, Point Loma Branch Library;

Authorizing the City Auditor and Comptroller to reprogram an amount not to exceed \$100,000 from CIP-35-067.0, Point Loma Branch Library, Fund No. 102232 to CIP-29-473.0, Pacific Beach Lifeguard Tower and Grand Avenue Restroom, Coastal Infrastructure.

CITY MANAGER SUPPORTING INFORMATION:

The City entered into an Agreement with Architect, Veitzer Shonkwiler, AIA on September 8, 1986 (Doc. No RR-266536) for the design of the expansion of the Point Loma Library. The

design was partially completed through the conceptual design phase, then stopped due to the lack of project funding. The First Amendment to the Agreement was signed with Conwell Shonkwiler and Associates on May 5, 1997 (Doc. No. RR-288622) for the professional services to design the new Point Loma Library to be located at the Southwest corner of Voltaire Street and Poinsettia Drive, including demolition of the existing Library. The Second Amendment for increased scope of work was signed on June 15, 1998 (Doc. No RR-290260), a Third Amendment to the Agreement, signed on October 19, 1999, (Doc. No RR-290868) provided additional professional services for a modified scope of the project, which included design changes requested by the project donor. This Fourth Amendment to the Agreement with Conwell Shonkwiler and Associates will provide additional professional services for a modified scope of work to complete the required construction drawings and specifications. The scope of work for this amendment includes an increase in the library area, and includes additional parking areas, a schematic design for a proposed Community Service Center, and implementation of the City's Green Building policy 900-14.

FISCAL IMPACT:

The Consultant design fee will increase from \$328,150 to \$401,080, and an increase in the additional services fees, of \$74,070, to make the total amendment increase of \$147,130. The amount of \$100,000 is being returned back to CIP-29-473.0, since it was transferred earlier from that project to facilitate reimbursement for the consultant during the redevelopment agency funding process. Funds for these purposes (\$247,130) are available in FY 2002, Fund No. 30244, Dept. #30244, Org. #106, Point Loma Library.

Loveland/Belock/AO

Aud. Cert. 2200045.

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

- * ITEM-141: Two actions related to First Amendment to Park Development Agreement -
Dennery Ranch Neighborhood Park No. 2.

(Otay Mesa Community Area. District-8.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-152)

Authorizing the City Manager to execute a First Amendment to Park
Development Agreement for Dennery Ranch Neighborhood Park No. 2 with

Pardee Construction Company;

Authorizing the payment in cash or FBA credits per the Otay Mesa Public Facilities Financing Plan, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury.

Subitem-B: (R-2002-153)

Declaring that the information contained in the Environmental Impact Report EIR-88-0785 has been reviewed and considered by Council in connection with the First Amendment to Park Development Agreement for Dennery Ranch Neighborhood Park No. 2 associated with the Project;

Directing the City Clerk to file a Notice of Determination with the County Clerk's Office.

CITY MANAGER SUPPORTING INFORMATION:

The Park Development Agreement for Dennery Ranch Neighborhood Park No. 2 was entered into between the City of San Diego and Pardee Construction Company with an effective date of February 7, 2000. The Agreement provided for the land acquisition, design, construction and reimbursement regarding development of Dennery Ranch Neighborhood Park No. 2, which was projected to be five net usable acres of the combined 15 net usable acre elementary school/park shown on Vesting Tentative Map VTM-88-0785, as modified by Substantial Conformance Replacement Vesting Tentative Map No. 88-0785. Subsequently, the Chula Vista Elementary School District determined that student generation for the Otay Mesa area will not warrant construction of the 10 acre elementary school site planned for development contiguous to Neighborhood Park No. 2. Therefore, the City of San Diego and Pardee Construction Company agree that the size of Neighborhood Park No. 2 shall be increased from five net usable acres to nine net usable acres in order to fully satisfy Pardee's park acreage requirements for the Dennery Ranch project and address any need for additional park acreage which may result from future development of the former school site.

FISCAL IMPACT:

All costs associated with the implementation of this project are funded through the Otay Mesa West FBA contingent upon availability of funds. Annual maintenance costs are estimated to be approximately \$40,000.

Loveland/McLatchy/DVW

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-142: El Camino Real - First Amendment with Earth Tech.

(Carmel Valley and NCFUA Subarea II Community Areas. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-227)

Authorizing the City Manager to execute the First Amendment to the Agreement with Earth Tech to provide professional services for the final environmental report and conceptual design of El Camino Real between Via De La Valle and San Dieguito Road;

Authorizing the City Auditor and Comptroller to reprogram an amount not to exceed \$90,137 from Fund 30300, CIP-52-519.0, Bridge Rails - Citywide, to CIP-52-479.0, El Camino Real - Half Mile Drive to Via De La Valle;

Authorizing the expenditure of an amount not to exceed \$450,685 of which \$360,547 is from Fund 38728, and \$90,137 is from Fund 30300, CIP-52-479.0, El Camino Real - Half Mile Drive to Via De La Valle, for providing funds for the first amendment to the agreement.

CITY MANAGER SUPPORTING INFORMATION:

The CIP-52-479.0 will provide for the improvements of El Camino Real between Via De La Valle and Half Mile Drive from the existing two-lane roadway to a four-lane major street. Other improvements to be added include: reconstruction and widening of the existing two-lane bridge, new curb, gutter, sidewalk, bike lanes, equestrian trails and crossings, landscape medians with turn lanes, and traffic signals at intersections. When Earth Tech was initially selected, insufficient funds were available to allow for the entire cost of design. As a result, the design contract was divided into phases. On March 31, 1998, pursuant to Resolution R-289908, the City Manager authorized the execution of a contract in the amount of \$411,817 with Earth Tech to provide initial environmental studies and conceptual design work for the El Camino Real improvements between Via De La Valle and San Dieguito Road. This work has now been completed. The next phase of the design and environmental process is ready to proceed. This First Amendment to the Agreement with Earth Tech will provide for the final EIR and further design development of the preferred alternative for the project. After the final Environmental Impact Report is completed and the alternative selected, the agreement will be amended again to

provide the final design and construction documents for the project. A portion of the project length from Half Mile Drive to Derby Downs has already been completed by a developer. Of the remaining project limits (Derby Downs Road to San Dieguito Road), about half has been identified for improvements by future developments and half is currently unfunded.

FISCAL IMPACT:

With this action, the total amount of funding for providing professional services under this Agreement is now \$862,501, which includes this amendment in the amount of \$450,684. These funds are available in CIP-52-479.0, El Camino Real - Half Mile Drive to Via de la Valle, in the amount of \$360,547, and CIP-52-519.0, Bridge Rails - Citywide, in the amount of \$90,137.

Loveland/Belock/PKB

Aud. Cert. 2200091.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-143: First Amendment to Agreement - Hearst Joint Use Area.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-247)

Authorizing the City Manager to execute a First Amendment to Agreement with the Phoebe Hearst Elementary School Foundation for the construction of Phase IIA of the Joint Use Improvements Project for Hearst Elementary School;

Authorizing the expenditure of an amount not to exceed \$22,582 from the Park Service District Fee - Allied Gardens Fund, Fund No. 11380, for use on CIP-29-530.0, Hearst Elementary School - Joint Use Improvements Project;

Amending the Fiscal Year 2002 Capital Improvements Program Budget by increasing the appropriation for CIP-29-530.0, Hearst Elementary School - Joint Use Improvements, by \$22,582.

CITY MANAGER SUPPORTING INFORMATION:

Hearst Elementary School is located in the Del Cerro area of the Navajo Community Planning

area. The community has initiated the development of the school's approximately four (4) acres of decomposed granite multi-purpose fields to accommodate athletic and recreational uses.

On October 30, 2000, the City of San Diego and the Phoebe Hearst Elementary School Foundation entered into an agreement to construct and provide construction management services for the lower east turfed field for the Phoebe Hearst Elementary School Joint Use Turfing Project. The Foundation has constructed the lower field and would now like to use the remaining funds in the project to construct some of the improvements of the upper east field.

The First Amendment to the Agreement will revise the scope of services to: 1) provide construction of the following improvements to the upper east field: a backstop; concrete paving and stairs; bleachers; chain link gates on Lambda Street and Del Cerro Boulevard and pedestrian gates at the existing parking lot; and 2) provide construction management for the project.

Phase IIB will be constructed at a later date when funds are identified. The improvements for Phase IIB will include the upper field drainage, mowcurb, fencing, irrigation and landscape and will be approximately \$379,918.

FISCAL IMPACT:

The proposed First Amendment to the Agreement will increase the reimbursement to the Foundation from \$298,540 to \$401,122. Funds for this purpose (\$102,582 total increase) are available from Hearst Elementary School Joint Use Facility - CIP-29-530.0 (\$85,000) and from the Park Service District Fee - Allied Gardens Fund, Fund No. 11380 (\$22,582).

Loveland/McLatchy/DVW

Aud. Cert. 2200071.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-144: Amendment With Moffatt and Nichol Engineers.

(La Jolla Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-257)

Authorizing the City Manager to execute a First Amendment to the Agreement with Moffatt and Nichol Engineers, for additional construction support services

and to perform structural observation of the Bayview Reservoir Replacement;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$97,148 from Water Revenue Fund 41500, CIP-73-236.0, Bayview Reservoir Replacement, for funding this amendment to agreement, provided that the City Auditor and Comptroller first furnishes one or more certificates declaring that the funds necessary for such expenditure are deposited in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION:

The Bayview Reservoir was originally constructed in 1950 to provide increased water storage in the La Jolla and Mission/Pacific Beach service areas. The facility was constructed as an earth berm structure with concrete lining and has a capacity of 10 million gallons (MG). This reservoir is supplied by the 30-inch diameter Kearny Mesa Pipeline and conveys water to the service areas via the Electric Avenue Pipeline and the Bayview Pump Plant. Since it was constructed, the reservoir has continued to be an integral component of the City's water system. Due to the age of the facility and the construction standards in place 50 years ago, the service life of the reservoir had reached its end. A video inspection had shown that the structure was deteriorated to the point that replacement was necessary to ensure continued water quality and to address the existing concrete roof structure which was vulnerable to collapse.

The City of San Diego entered into an agreement with Moffatt & Nichol Engineers in FY99 to provide design and construction support services for the replacement of the Bayview Reservoir. During the course of construction and after the demolition of the existing reservoir, it was determined that some existing pipelines and connection points to the new reservoir were in a different location than what the as-built drawings showed, and therefore necessitated redesign work. Furthermore, due to the complexity of the construction, it was determined that a larger number of submittals and requests for information were needed to be reviewed and responded to, which was beyond the existing contract with Moffatt & Nichol Engineers. Furthermore, additional field visits by the designer's team is needed to respond to contractor's questions.

With this amendment Moffatt & Nichol Engineers will provide additional structural support services for placement of the concrete structure and the installation of metal fabrications. They are also to provide a report based on the completion of their observations. Additionally, they will provide additional construction support services, requests for information and additional submittals and resubmittals.

FISCAL IMPACT:

Funding of \$97,148 for the engineering amendment is available from the Water Fund 41500, CIP-73-236.0, Bayview Reservoir Replacement.

Loveland/Gardner/NK

Aud. Cert. 2200098.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

- * ITEM-145: Winterwood Lane Community Park - Second Amendment to Consultant Agreement.

(Mira Mesa Community Area. District-5.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-149)

Authorizing the City Manager to execute a Second Amendment to Consultant Agreement with Wimmer Yamada and Caughey, for professional services required for CIP-29-727.0, Winterwood Lane Community Park - Development, Phase II;

Authorizing the Auditor and Comptroller to reprogram \$123,181.89 from CIP-29-716.0, Winterwood Lane Community Park - Acquisition and Development, Phase I, to CIP-29-727.0, Winterwood Lane Community Park - Development, Phase II, in Fund No. 79006, Mira Mesa FBA;

Amending the Fiscal Year 2002 CIP Budget by increasing the appropriation of CIP-29-727.0 by \$123,181.89 in Fund No. 79006, Mira Mesa FBA;

Authorizing the City Manager to execute the Second Amendment to the Agreement with Wimmer Yamada and Caughey in the amount of \$100,845 for expanded professional services;

Authorizing the expenditure of an amount not to exceed \$100,845 from CIP-29-727.0, Winterwood Lane Community Park - Development, Phase II, Fund No. 79006, Mira Mesa FBA, for the Second Amendment;

Authorizing the City Manager to transfer and expend all remaining funds from CIP-29-716.0, Winterwood Lane Community Park - Acquisition and Development, Phase I, to CIP-29-727.0.

CITY MANAGER SUPPORTING INFORMATION:

This project will provide for the design and future development of the 25-acre Winterwood Lane (S. Christa McAuliffe) Community Park located at 10800 Parkdale Avenue, adjacent to Challenger Middle School, within the Mira Mesa Community Planning Area. Future park development may include multipurpose sports fields, a tot lot, a recreation center building, a swimming pool, parking areas, passive picnic and viewing areas, a vernal pool interpretive pavilion and trail (including educational signage and displays), and vernal pool preservation. Due to the presence of on-site vernal pools, the types and locations of the proposed park facilities cannot be determined until an Environmental Impact Report (EIR) is completed. On July 19, 1990, The City of San Diego and Consultant entered into an Agreement for professional services for preparation of a preliminary General Development Plan for Winterwood Lane Community Park. On May 27, 1997 the First Amendment to Agreement expanded the scope of professional services to include preparation of construction documents for the adjacent joint-use ballfields at Challenger Middle School (Phase 1). This Second Amendment to the Agreement will revise the scope of professional services to provide for preparation of the EIR to study the preliminary General Development Plan for potential impacts, and preparation of a General Development Plan as required as part of the EIR process. The original Consultant firm, Marum Associates, has been acquired by the firm Wimmer Yamada and Caughey which has accepted assignment of Marum Associates rights and responsibilities under this Agreement. This Second Amendment provides the City's consent to that assignment.

FISCAL IMPACT:

The proposed Second Amendment to the Agreement will increase the Agreement amount from \$83,700 to \$184,545 (\$100,845 total increase). Funds for this purpose are available in the Mira Mesa Community Fund, Facilities Benefit Assessment (FBA) Fund No. 79006. Phase I of the Winterwood Lane Community Park project, which included land acquisition, preliminary park design, and development of the joint-use ballfields has been completed. This action also transfers all remaining funds from Phase I (CIP-29-716.0) to Phase II (CIP-29-727.0), which includes preparation of the EIR, the General Development Plan, and project construction.

Loveland/McLatchy/DVW

Aud. Cert. 2200095.

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

* ITEM-146: Cooperative Agreement - Improvements to Interstate 5 in the University Community Area.

(University Community Area. District-1.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-196)

Authorizing the City Manager to execute a Cooperative Agreement with Caltrans and SANDAG, for the preparation of a Project Study Report (environmental only) for future improvements to Interstate 5 from La Jolla Village Drive to the Interstate 5/805 junction, the Interstate 5/Genesee Avenue interchange, and city streets in the Sorrento Valley area including the Interstate 5/Roselle Street interchange;

Authorizing the expenditure of an amount not to exceed \$225,000 from CIP-52-372.0, Genesee Avenue - Widen Interstate 5 Crossing, North University City FBA Fund 79001, for the project.

CITY MANAGER SUPPORTING INFORMATION:

This action would authorize the City to enter into a three-party agreement with Caltrans and SANDAG for the preparation of a Project Study Report (environmental only) for future improvements to Interstate 5 from La Jolla Village Drive to the I-5/I-805 junction, the I-5/Genesee Avenue Interchange, and city streets in the Sorrento Valley area including the I-5/Roselle Street interchange. The report will address improvements required to accommodate 2020 projected traffic forecasts.

Under this agreement, the City and Caltrans will equally fund the report, which will be prepared by SANDAG. The City's share of this cost is \$225,000. Funds are available in CIP-52-372.0, Genesee Avenue - Widen Interstate 5 Crossing. A Project Report, Environmental Documents, Design, and Construction will be the subject of separate future agreements.

FISCAL IMPACT:

\$225,000 from CIP-52-372.0, Genesee Avenue - Widen Interstate 5 Crossing. Funds are available from the North University City FBA.

Loveland/Gonzalez/AH

Aud. Cert. 2200082.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-147: Agreements related to the Ballpark and Redevelopment Project, and Convention Center Expansion.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-268)

Authorizing the execution of an Amended and Restated Purchase and Sale Agreement and Joint Escrow Instructions between the City and the San Diego Unified Port District;

Authorizing the City Manager to take such other and further actions as may be necessary or appropriate to implement the intent and purposes of the resolution, consistent with the rights and obligations of the City pursuant to Ordinance O-18613 and the Memorandum of Understanding with the Padres, the Redevelopment Agency and CCDC.

SUPPORTING INFORMATION:

On January 31, 2000, the City Council authorized the City Manager to execute an agreement with the San Diego Unified Port District regarding the purchase and sale of four (4) lots commonly known as Tailgate Park. The agreement, from the City's perspective, was in furtherance of the Memorandum of Understanding [MOU] regarding the Ballpark and Redevelopment Project (providing \$21 million towards that project) but provided needed parking to serve the expanded Convention Center for the Port. The agreement was subject to approval by the State Lands Commission.

On April 24, 2001, the Commission denied approval of the agreement as submitted. The Commission authorized the Executive Director to approve the agreement provided that certain modifications were made to its terms. The City and the Port have been negotiating those changes, and the agreement is now before the City Council for consideration in light of the required changes.

The changes do not affect the sales price of \$21 million. The material conditions required by the Commission are: 1) the right retained by the City to repurchase or reacquire shall be subject to a CPI adjustment every year (the previous agreement set the repurchase price at \$21 million for the first five (5) years without adjustment); 2) if the Port desires to sell or use the lots as other than surface parking, the City must be responsible for any diminution in value in excess of \$1 million as a result of the presence of hazardous substances, or the City must remediate the property; 3) there must be no restriction on the use of the lots (the previous agreement provided that the lots could only be used as surface parking for the life of the proposed new ballpark); 4) the lots must be open to the general public and not for the exclusive use of the Padres, although rate differentials are allowed; and 4) minimum lease rental rates were set between the Port and its operator of choice. In addition, although not required, the agreement has been further modified to provide that the Port will pay \$14 million to the City immediately upon approval of the agreement, and that the agreement may terminate if the MOU expires.

It is recommended that the City agree to these conditions, as they are not expected to materially impact the City or the operation of the lots for parking to serve the Convention Center, and that the City Manager be authorized to execute the agreement. The agreement before Council for consideration incorporates the changes.

Girard

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-148: Office Space Lease - Police Department.

(Navajo Community Area. District-7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-136)

Authorizing the City Manager to execute an office space lease agreement with CTF-I Mission, LLC, for the Police Department to occupy approximately 2,943 square feet located at 6151 Fairmount Avenue, Suite 209 and at 6153 Fairmount Avenue, Suite 240, at an initial rent of \$4,267.35 per month. The lease agreement commences August 1, 2001, and terminates July 31, 2006;

Authorizing the expenditure of \$46,940.85 from the Police Department Fund 18789 for FY 2002.

CITY MANAGER SUPPORTING INFORMATION:

The San Diego Police Department works with the Regional Community Policing Institute (RCPI). The RCPI is currently located at the Naval Training Center and has been asked to vacate the premises due to redevelopment commencing at this site. RCPI is a grant funded program who provides regional law enforcement training. Lease space was found at 6151, Suite 209 and 6153, Suite 240, Fairmount Avenue in the Mission Gorge area. The lease space will accommodate general office administration with approximately half of the space designated as a classroom for training.

The Police Department is proposing to lease the space under the following basic terms:

TERM - Five (5) years. Commencing August 1, 2001, terminating July 31, 2006.

RENT - \$1.45 per square foot or \$4,267.35 per month. Rental rate is below market value as

compared to similar office space in the Mission Gorge area. The base monthly rent shall be adjusted on the lease anniversary date upwards by \$0.05 per rentable square foot.

USE - General office and training classroom use for law enforcement.

SIZE - 2,943 square feet.

FISCAL IMPACT:

\$46,940.85 will be paid from the RCPI grant fund (Fund 18789) in FY 2002.

Herring/Griffith/DCM

Aud. Cert. 2200086.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-149: Conflict of Interest Code for the Ethics Commission.

CITY ATTORNEY'S RECOMMENDATION:

Adopt the following resolution:

(R-2002-228)

Adopting the newly created Conflict of Interest Code for the City of San Diego Ethics Commission.

SUPPORTING INFORMATION:

On June 5, 2001, the City Council adopted an ordinance codified at San Diego Municipal Code Sections 26.0401 to 26.0415, establishing the City of San Diego Ethics Commission. Section 26.0412 requires that a Conflict of Interest Code be adopted by the City Council for the members and staff of the Ethics Commission. The Conflict of Interest Code consists of standard terms from the California Code of Regulations, Title 2, Section 18730, Appendix A, showing designated positions and their duties; and Appendix B, showing disclosure categories for the designated positions.

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ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- * ITEM-150: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-101)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

- * ITEM-151: Amendments to Council Policy 500-02 "Taxicab Permits."

(See City Manager Reports CMR-01-157 and CMR-01-131.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-17)

Amending Council Policy No. 500-02 titled "Taxicab Permits" to:

- (a) Issue additional taxicab permits using a formula. The formula should be based on percent increases in population and visitation to the City;
- (b) Issue 50% of the new permits via a RFP process, 25% of new permits via a lottery and 25% via public auction processes;
- (c) Designate new permits to be transferable five years after issuance, and maintain the status quo on transferability of existing permits.

Approving a framework to implement the amended taxicab policy that addresses processes used to issue taxicab permits, periodic issuance of permits using a formula, a transition period, and transferability.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S
RECOMMENDATION:**

On 6/20/2001, RULES voted 5 to 0 to direct staff to revise the draft Council Policy 500-02 to reflect these proposed changes and move that adoption of the City Manager's recommendations (contained in CMR-01-131) with the following modifications to the implementation guidelines, found in Attachment C:

Page two, regarding the Request for Proposals (RFP) process to taxi operators - Applicants can apply for multiple blocks, but the Selection Committee may not award more than one block to one applicant.

Page six, regarding the RFP process to Individual drivers - Delete the recommendation that the permit holders have to drive their cabs. It should read: Applicants should be limited to drivers who are not permit holders and to current permit holders. The criteria for selection shall be: 1) Experience, 2) driving record, and 3) additional factors such as experience of driving in San Diego and letters of recommendation. The Selection Committee is to exercise its discretion as to reviewing and developing a selection criteria, and assigning points to the proposals.

Page six, regarding a lottery to Individual drivers - Delete the recommendation that lottery winners shall not be allowed to lease the cabs, but retain the requirement to drive a minimum of 175 shifts per year. It will read: Only drivers who are not permit holders are eligible to enter the lottery. Entrants will only be able to win a single permit award through lottery. Permit holders shall be required to drive the cab a minimum of 175 shifts per year and may lease the cab for remaining shifts.

Page nine, regarding formula - Change the threshold of issuing additional permits to 40.

Page nine, regarding transitional period - It shall be modified to read:

Round 1, Summer/Fall 2001. Immediately issue 75 permits as follows: 50 permits through RFP process to operators in blocks of 20, 20, 5, 5; 10 permits through the RFP process to individuals; 15 permits by lottery to individual drivers.

Round 2, Fall 2002. Issue 60 permits as follows: 20 permits through the RFP process to operators in blocks of 10, 5, 5; 15 permits through the RFP process to individuals, 15 permits by lottery to individual drivers; 10 permits by auction.

Summer 2003. Review of the process, the monitoring system, and report by Metropolitan Transit Development Board.

Fall 2003. Permits issued on the basis of the formula.

(Councilmembers Wear, Atkins, Stevens, and Madaffer and Mayor Murphy voted yea.)

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

* ITEM-152: Agreement with - MWH Americas, Inc. for Research on Equipment.

(See memorandum from Larry Gardner's 7/10/2001 and Subconsultant List for Montgomery Watson Agreement.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-110)

Authorizing the City Manager to execute an agreement with MWH Americas, Inc. for research on water treatment equipment;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$3,000,000 from Water Fund 41500, contingent upon the receipt of grant funding for task orders, and provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for such expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/18/2001, NR&C voted 4-0 to approve. Any mandated completion due dates from the Department of Health Service Compliance Order should be included in future projects backup when applicable. (Councilmembers Peters, Wear, Frye and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

City of San Diego operates the Aqua 2000 Research Center at its Otay Water Treatment Plant. The purpose of the research center is to provide independent testing of new equipment to allow the City first hand knowledge of equipment performance capabilities. It also affords equipment manufacturers the opportunity to attain performance certification from such agencies as the California Department of Health Services and the National Sanitation Foundation. Through the Water Department's Request for Qualifications process, MWH Americas, Inc. was selected to assist the City with continued research efforts related to the treatment of potable water, surface water, groundwater, and sea water. Other aspects of the work may include assistance with equipment installation and operation, data collection and analysis, and report preparation. Report preparation would include presentation of data and an assessment of the applicability of the equipment to use in City water treatment facilities. While the current focus of this work may be on membrane technology, it could include ultraviolet (UV) and ozone treatment of the various feed waters listed. The firm will also assist the City with obtaining grant funding to support the City's future research and development efforts in the area of water treatment. Funding for all

Task Orders under this Agreement is contingent upon the execution of Grant Funding agreements prior to issuance of Task Orders. The City currently has grant agreements for research work through the San Diego County Water Authority, Metropolitan Water District of Southern California, the State Department of Water Resources, the California Energy Commission, and the Environmental Protection Agency. Tasks pursuant to these agreements will be negotiated with MWH Americas, Inc. Significant grant monies are available to fund these research activities. The City will be reimbursed by grant monies for expenditures under Task Orders. Task orders will be negotiated and issued as appropriate projects are identified by the Water Department. The Project Manager will issue a written Task Order which shall describe the specific scope, schedule and compensation for the task. Each task order shall be subject to the terms, conditions and fee schedule included in this Agreement. All task orders shall be approved and signed by the Deputy Director before Consultant may proceed with task.

FISCAL IMPACT:

No fiscal impact. City will be reimbursed by grant monies for expenditures under Task Orders, so there is no net impact to the Water Fund.

Loveland/Gardner/SA

Aud. Cert. 2200047 Revised.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-153: Awarding the Contract for Telemetry Control Systems - SCADA - Phase IId.

(See memorandum from Frank Belock, Jr. dated 5/24/2001.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-139)

Authorizing the City Manager to execute an agreement with EMA, Inc. to perform pre-design, design, and construction engineering services to install a modern Supervisory Control and Data Acquisition system (SCADA) to complete Phase II of a two-phase Telemetry Control Systems program, for an amount not to exceed \$1,723,350;

Authorizing the expenditure of an amount not to exceed \$1,308,013.12 from Water Fund 41500, CIP-73-348.0, Telemetry Control Systems - SCADA - Phase II, provided that the City Auditor first furnishes a certificate certifying that the

funds necessary for expenditure are, or will be, on deposit with the City Treasurer, solely and exclusively for providing funds for the project;

Authorizing the City Auditor and Comptroller, upon advice of the administering department, to return excess budgeted funds to the appropriate reserve.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/30/2001, NR&C voted 3 to 0 to approve. (Councilmembers Peters, Madaffer and Inzunza voted yea. Councilmember Wear not present.)

CITY MANAGER SUPPORTING INFORMATION:

The Water Department is constructing Phase II of a two phase program to install a modern Supervisory Control and Data Acquisition (SCADA) system. The SCADA system will monitor and control all critical water distribution sites. Phase I included the central control and operations components as well as Remote Control Panels (RCPS) at 42 of the water distribution sites. Due to additional work that has been identified, Phase II was divided into four (4) parts, Phase IIa, IIb, IIc, and IId. Phase IIa included the installation of RCPs to control 60 additional water distribution sites. Phase IIb included remediation work at 36 existing sites. Phase IIc included installation of RCPs at 29 large meter sites, and Phase IId includes installation of RCPs at 62 sites, an operating efficiency assessment, a communication network upgrade, and Intranet functionality for data access. A Request for Proposal (RFP) was prepared and advertised in the City's official newspapers and the Internet in compliance with Council Policy 300-7 on March 23, 2001. One (1) firm's proposal, from the existing SCADA consultant, was received during the designated response period from March 23 to April 13, 2001. This consultant's proposal met all the objectives and services requested in the RFP. This Council action funds a contract with EMA, Inc., to provide pre-design, design, and construction services for the completion of this project.

FISCAL IMPACT:

The total estimated cost of the contract is \$1,723,350, of which \$1,308,013.12 is available in FY 2002 in Water Fund 41500, CIP-73-348.0, Telemetry Control Systems - SCADA - Phase II and \$415,336.88 was previously authorized by Council Resolution R-293972 for this purpose.

Loveland/Belock/HR

Aud. Cert. 2200057.

WWF-01-533.

ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:

* ITEM-154: Sewer Pump Stations 25, 31, 32, 33, and 40 - Consultant Agreement.

(See Frank Belock, Jr.'s 5/24/2001 memo and Frequently Asked Questions About Group Jobs. La Jolla, Midway and Otay Mesa Community Areas. Districts-1, 2 and 8.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-105)

Authorizing the City Manager to execute an agreement with Brown & Caldwell, for the design of upgrades to Sewer Pump Stations 25, 31, 32, 33 and 40, for an amount not to exceed \$140,998;

Authorizing the expenditure of an amount not to exceed \$140,998 from FY 2001 Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration, contingent upon the passage of the Fiscal Year 2002 CIP budget and appropriations ordinances, for the agreement.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On May 30, 2001, NR&C voted 3 to 0 to approve. (Councilmembers Peters, Madaffer and Inzunza voted yea. Councilmember Wear not present.)

CITY MANAGER SUPPORTING INFORMATION:

This project involves the upgrade of five (5) Sewer Pump Stations, Sewer Pump Stations 25, 31, 32, 33, and 40. Proposed upgrades of the pump stations outlined in the scope of work are both mechanical and electrical. Upgrades include the replacement of the existing electrical systems, the installation of new motors and generators, the replacement of control panels and motor control centers, upgraded ventilation systems, improved maintenance lift safety accesses, and new motor room hatches. The existing equipment at SPS 32 and 33 is from the original 1967 installation. The existing equipment at the remaining pump stations is from the 1980's and early 1990's.

A list of fifteen (15) design consultants was provided from the City's Consultant Services Coordinator. In conformance with Council Policy 300-7, eleven (11) of the firms were interviewed. Brown & Caldwell was selected as the best qualified firm to provide the design consultant services for Sewer Pump Stations 25, 31, 32, 33, and 40. The sub-consultant is Tran Consulting Engineering at 10% Asian Business Enterprise.

FISCAL IMPACT:

This request estimate is \$140,998 for professional services, which includes \$125,998 for design services, and \$15,000 for additional services as required. Funding is available in FY 2001 Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration, for this purpose. The total estimated cost for this project is \$1,032,500.

Loveland/Belock/HR

Aud. Cert. 2200017.

WWF-01-528.

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-155: Agreement for Black Mountain Reclaimed Water System - Gap Project.

(See memorandum from Larry Gardner dated 7/10/2001, Subconsultant List for Kennedy/Jenks Agreement. Penasquitos East Community Area. District-1.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-185)

Authorizing the City Manager to execute an agreement with Kennedy/Jenks consultants to provide services for Black Mountain Reclaimed Water System-Gap Project;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$426,900 from Water Fund 41500 for funding this agreement and related in-house costs;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 7/18/2001, NR&C voted 4 to 0 to approve. Any mandated completion due dates from the Department of Health Service Compliance Order should be included in future projects backup when applicable. (Councilmembers Peter, Wear, Frye and Madaffer voted yea. Councilmember

Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

In December 2000, the Water Department completed a Beneficial Reuse Study. This study provides an updated review of the City's existing reclaimed water program and plans for the development of an expanded reclaimed water system to meet the North City Environmental Protection Agency grant goals in a timely and cost-effective manner. The grant goals are to reuse 25 percent of the flows (6 mgd) treated at the North City Water Reclamation Plant (NCWRP) by December 31, 2003 and 50 percent of the flows by December 31, 2010. Also, as part of the study three regional pipeline alignments have been developed to deliver reclaimed water to potential customers.

One of the three regional alignments (Phase I) will serve the Black Mountain Ranch developments and Olivenhain Municipal Water District. This project, the Black Mountain Reclaimed Water System - Gap Section, is part of the Phase I alignment. It calls for the design of 24-inch reclaimed water line on Black Mountain Road from Twin Trails to Carmel Valley Road, at a length of approximately 11,000 linear feet. To the south, this project will connect to the Black Mountain Road Reclaimed Water System; to the North, it will connect to the recycled water line being installed by the Black Mountain Ranch Development.

The Water Department Request for Qualifications selection process was followed to obtain the services of a design engineering consultant. As part of this process, the Water Department received a short-list of six qualified firms from Contract Services. On May 14, 2001, a Selection Panel convened and interviewed the short-listed firms. The firms were evaluated on the basis of qualifications including expertise, experience, understanding and approach to the scope of services, and the capability of personnel and subcontractors. Based upon the results of these interviews and subsequent reference checks, Kennedy/Jenks was selected as the most qualified to provide engineering consulting services.

FISCAL IMPACT:

Funding is available from the Water Department Fund 41500 in the amount of \$426,900.

Loveland/Gardner/MS

Aud. Cert. 2200096.

ADOPTION AGENDA, CONSENT ITEMS RESOLUTIONS:

- * ITEM-156: Three actions related to Mid-City Maintenance Assessment District Sub-Districts 1, 2, 4, 12 and 13.

(#14 Mid-City and University Heights Community Areas. Districts-2 and 3.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolutions:

Subitem-A: (R-2002-168)

Resolution to levy and collect Fiscal Year 2002 assessments.

Subitem-B: (R-2002-169)

Approving the City Engineer's report.

Subitem-C: (R-2002-170)

Approving the Fiscal Year 2002 Budget for the Mid-City Maintenance
Assessment District Sub-Districts 1, 2, 4, 12 and 13.

CITY MANAGER SUPPORTING INFORMATION:

This action establishes the Fiscal Year 2002 assessments for the Mid-City Maintenance Assessment District (District), Sub-Districts 1, 2, 4, 12 & 13. The District was established in July 1987 to provide maintenance of street trees, landscaped medians, benches and enhanced street lights within the District boundaries. The District currently consists of five (5) Sub-Districts (#1, 2, 4, 12, 13) within the Mid-City area located along Adams Avenue, El Cajon Boulevard, Park Boulevard, and University Avenue. The following FY 2002 is a proposed consolidated budget. Sub-District 4 was approved by the Park Boulevard Oversight Committee and Sub-District 13 was approved by the Boulevard Association on May 9, 2001. The other Sub-Districts have not formed property owner oversight groups.

	Est. Year End	
<u>DESCRIPTION</u>	<u>FY 2001</u>	<u>FY 2002</u>
BEGINNING BALANCE	\$ 185,914.00	\$ 308,402.00
REVENUE:		
Assessments	\$ 296,426.00	\$ 303,989.00
Interest	9,158.00	11,658.00
City Contribution	<u>4,038.00</u>	<u>4,993.00**</u>
TOTAL REVENUE	\$ 309,622.00	\$ 320,640.00
EXPENSE:		
Personnel	\$ 12,743.00	\$ 37,311.00
Contractual	73,130.00	177,287.00
Incidental	43,186.00	55,649.00

Utilities	<u>58,075.00</u>	<u>133,325.00</u>
TOTAL EXPENSE	\$ 187,134.00	\$403,572.00*
 ENDING BALANCE	 \$ 308,402.00	 \$225,470.00

* Expenses are increased due to additional assets completed in FY 2001 in Zones 12 & 13, which will be maintained by the District in FY 2002.

** Among the increased assets are +7,958 sq. ft. of landscaped medians for which Gas Tax provides a contribution.

The proposed assessments for Fiscal Year 2002, per Linear Front Footage (LLF) for each Sub-District is tabulated below:

<u>Description</u>	<u>FY2001</u>	<u>FY2002</u>	<u>% CHANGE</u>
Sub-District 1	\$9.34	\$9.34	0.00
Sub-District 2	\$6.99	\$6.99	0.00
Sub-District 4	\$4.81	\$5.48	13.90 (1)
Sub-District 12	\$3.79	\$3.79	0.00
Sub-District 13 -			
Zone 1	\$9.00/\$0.64	\$9.00/\$0.64	0.00
Sub-District 13 -			
Zone 2	\$6.00/\$0.64	\$6.41/\$0.64	6.80 (2)

(1) Increase is needed to provide same level of services in the Sub-District without reliance on the reserves.

(2) Increase is necessary to cover additional trees being included along the Boulevard in the Sub-District. (Only Boulevard properties are impacted with a rate increase).

FISCAL IMPACT:

It is proposed that the City contribute a total of \$4,993 (\$0.12/sq. ft.) from the Gas Tax Fund for the maintenance of 41,608 sq. ft. of medians. This represents the City's share of expenses incurred for maintenance of street medians comparable to similar areas throughout the City. All other costs are assessed to the District.

Loveland/McLatchy/SY

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS **COMMITTEE ON NATURAL RESOURCES, AND CULTURE,** **RESOLUTIONS:**

ITEM-160: Two actions related to the Award of Design-Build Contract to J. R. Filanc Construction for the Construction of the Otay River Pump Station.

(Continued from the meeting of 6/19/2001, Item 151, at the request of Council, for further review regarding minority representation in the contracting company.)

(See F. D. Schlesinger's 5/9/2001 memo. Otay Mesa Nestor Community Area. District-2.)

TODAY'S ACTIONS ARE:

Adoption of the following resolutions:

Subitem-A: (R-2001-1561)

Authorizing the City Manager to execute an agreement with J. R. Filanc Construction Company for services related to designing and building the Otay River Pump Station and Conveyance System;

Authorizing the expenditure of an amount not to exceed \$11,703,036 for the design-build project, provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City treasury, to be expended as follows:

\$10,185,347 from Fund No. 41509, CIP-41-924.0, Otay River Pump Station, for project construction;

\$410,000 from Fund No. 41509, CIP-41-924.0, Otay River Pump Station, for construction management;

\$598,422 from Fund No. 41509, CIP-41-924.0, Otay River Pump Station, for project related costs;

\$509,267 from Fund No. 41509, CIP-46-502.0, Annual Allocation - Pooled Contingency, for project contingency;

Authorizing the City Auditor and Comptroller to transfer excess budgeted funds, if any, to the appropriate reserves upon advice of the administering department.

Subitem-B: (R-2001-1562)

Certifying that Mitigated Negative Declaration LDR-40-0088 has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and the State guidelines; and that the information contained in the Mitigated Negative Declaration, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the construction of the Otay River Pump Station and Conveyance

System;

Approving the Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required in order to mitigate or avoid significant effects on the environment.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 5/16/2001, NR&C voted 3 to 0 to approve the project with the condition that Equal Opportunity Contracting Program information will be included in all future projects. (Councilmembers Peters, Wear and Madaffer voted yea. Councilmember Inzunza not present.)

CITY MANAGER SUPPORTING INFORMATION:

The purpose of this project is to supply the South Bay Water Reclamation Plant expansion with wastewater to produce reclaimed water for the South Bay area. The upgraded Otay River Pump Station will pump up to 12 million gallons per day (mgd) of wastewater to the Grove Avenue Pump Station, where it will be combined with another 6 mgd and then pumped to the South Bay Water Reclamation Plant.

The Otay River Pump Station and Conveyance System Project includes the following:

1) Upgrade of the existing Pump Station No. 9A (Otay River Pump Station) to pump 12 mgd of flow to the Grove Avenue Pump Station (currently under construction); 2) Construction of a lift station on the Pump Station 9A site to pump flow from Imperial Beach, which is currently pumped by Pump Station 9A, to the South Metro Interceptor Sewer. The flow coming from Imperial Beach has a high salinity level, and is not suitable for water reclamation; 3) Construction of diversion structures to bring flows from two trunk sewers, the Salt Creek Trunk Sewer and the Otay Trunk Sewer, to the Otay River Pump Station; 4) Construction of a conveyance pipeline from the diversion structures to the Otay River Pump Station, and 5) Construction of a conveyance pipeline from the Otay River Pump Station to the Grove Avenue Pump Station.

This project will be designed and constructed under a Design-Build Contract. Nine Statements of Qualifications were received, and four qualified firms were short-listed. Three short-listed firms submitted technical proposals and were evaluated on the basis of the technical proposal and interviews. Cost proposals were submitted the day after the interviews, and selection was made based on the adjusted low bid (price divided by interview/technical proposal score). J. R. Filanc Construction had the lowest adjusted bid price.

FISCAL IMPACT:

The total cost of this action is \$11,703,036, of which \$10,185,347 is for construction, \$410,000 is for construction management, \$598,422 is for related costs, and \$509,267 is for project

contingency. This project will be phase funded over two fiscal years from Fund 41509, CIP-41-924.0, Otay River Pump Station.

Loveland/Schlesinger/KMJ

Aud. Cert. 2101160.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS
COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS:

ITEM-161: Two actions related to Approving the Plans and Specifications and Inviting Bids for the Construction of El Capitan Reservoir Road Improvement.

(See memorandum from Larry Gardner dated 6/8/2001. North of Alpine in Cleveland National Forest and Capitan Grande Indian Reservation. East County.)

TODAY'S ACTIONS ARE:

Adoption of the following resolutions:

Subitem-A: (R-2002-188)

Approving the plans and specifications for the furnishing of all labor, material, tools, equipment, transportation and other expense necessary or incidental and inviting bids for the Construction of El Capitan Reservoir Road Improvement on Work Order No. 184501;

Authorizing the City Manager to execute a contract with the lowest responsible bidder;

Authorizing the expenditure of an amount not to exceed \$2,343,394 from Water Fund 41500, CIP-73-319.0, El Capitan Reservoir Road Improvement, and \$93,659 from Water Fund 41500, CIP-73-331.0, Annual Allocation - Water Pooled Contingency, for providing funds for the project and related costs, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves. (BID-K02005C)

Subitem-B: (R-2002-189)

Certifying that the information contained in Mitigated Negative Declaration DEP-40-0364, has been completed in compliance with the California Environmental Quality Act of 1970, as amended, and State guidelines, and that said Declaration reflects the independent judgement of the City as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by Council in connection with the approval of El Capitan Reservoir Road Improvement;

Declaring that the Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and approving said Mitigated Negative Declaration;

Adopting the Mitigation Monitoring and Reporting Program.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/13/2001, NR&C voted 3 to 1 to approve. (Councilmembers Wear, Madaffer, and Inzunza voted yea. Councilmember Frye voted nay. Councilmember Peters not present.)

CITY MANAGER SUPPORTING INFORMATION:

In 1935 the City of San Diego completed the construction of El Capitan Dam and the El Capitan Pipeline connecting to the City's water supply. The El Capitan Reservoir access road was built to give City maintenance workers access to the El Capitan Dam and Reservoir. In 1989, the San Diego City Council approved a highly popular water contact program increasing seasonal access to the reservoir for recreational use which dramatically increased public traffic on the road. The width of the traveled way in many sections does not allow enough room for passing vehicles, and as a result the road has proven to be unsafe. Additionally, poor surface drainage has exacerbated erosion and undermining of the road. The El Capitan Reservoir access road has undergone an increase in usage and needs to be upgraded to increase its safety and service life. The Water Department continuously evaluates watershed management practices to improve the water quality as well as erosion control. The El Capitan reservoir road improvement project provides drainage inlets that adequately capture runoff water from the watershed area of the reservoir. The drainage system will also eliminate undermining of the road, and preclude the erosion and gullyng of the reservoir slopes. The recommendation for repair of two miles of access road require geotechnical stability of the road embankment and uphill slopes, surface drainage, storm drains improvement, and road resurfacing. In addition, excavation and widening of the sections of road from existing narrow two lane (18 ft) to a full two lane (approximately 24 ft) along the hillside, installation of safety signs on the narrow sections of road, and replacement of existing

guard rails in accordance with CalTrans standards.

FISCAL IMPACT:

Funding in the amount of \$2,343,394 is available from Water Revenue Fund 41500, CIP-73-319.0, El Capitan Reservoir Road Improvements and \$93,659 is available from Water Fund 41500, CIP-73-331.0, Annual Allocation - Water Pooled Contingency.

Loveland/Gardner/LA

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS
COMMITTEE ON NATURAL RESOURCES, AND CULTURE,
RESOLUTIONS:

ITEM-162: Ultra-Low Flush Toilet (ULFT) Incentive Program.

(See City Manager Reports CMR-01-174 and CMR-01-124.)

TODAY'S ACTION IS:

Adoption of the following resolution:

(R-2002-230)

Authorizing the City Manager to amend two existing Memoranda of Understanding with the California Water Authority to participate in their Voucher Incentive Program for Ultra-Low Flush Toilets (ULFT's) and urinals;

Authorizing the City Manager to continue with the existing ULFT Rebate Program vendor on an interim basis through August 31, 2001, to provide program continuity until the California Water Authority Board approves adding the City to the regional Incentive Program for ULFTs and urinals, provided that the City Auditor and Comptroller first furnishes a certificate demonstrating that the funds necessary for the expenditure are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller to expend an amount not to exceed \$574,148 from Fund 41500, Department No. 760, for the participation in the County Water Authority's Voucher Incentive Program for the Ultra-Low Flush project.

NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:

On 6/13/2001, NR&C voted 3 to 1 to approve the City Manager's recommendation which includes extending the current rebate program until transition has been made to the San Diego County Water Authority program. (Councilmembers Wear, Frye, and Madaffer voted yea. Councilmember Inzunza voted nay. Councilmember Peters not present.)

Aud. Cert. 2200094.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:

ITEM-200: FY 2002 Health Insurance Agreements - Kaiser and PacifiCare.

(Continued from the meeting of July 9, 2001, Item 106 and July 24, 2001, Item 339, at the request of the City Manager, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1711)

Authorizing the City Manager to execute all required written documents to finalize the FY 2002 Health Insurance Agreements;

Declaring that Kaiser and PacifiCare Health Insurance Agreements are effective for a one-year period, and terms of the agreements, including benefit level and rate changes for FY 2002 were negotiated with the carriers and subsequently discussed and approved during the May 1, 2001 City Council Closed Session;

Declaring that Council approval of the FY 2002 Health Agreements authorizes the City Manager to execute the written documents between the City of San Diego and the health insurance carriers, Kaiser and PacifiCare, to be effective August 1, 2001 through July 31, 2002.

CITY MANAGER SUPPORTING INFORMATION:

The Kaiser and PacifiCare health insurance agreements are effective for a one year period. The terms of the agreement, including benefit level and rate changes, for FY 2002 were negotiated with the carriers and subsequently, discussed and approved during the May 1, 2001 City Council Closed Session. This formalizes the Council's approval of the FY 2002 Health Insurance Agreements and authorizes the City Manager to execute the written documents between the City of San Diego and the health insurance carriers, Kaiser and PacifiCare, to be effective August 1, 2001 through July 31, 2002.

FISCAL IMPACT:

The estimated annual cost to the City for FY 2002 active employee coverage is \$7,052,500 for Kaiser and \$4,412,425 for PacifiCare. This amount is based on the total number of active employees currently enrolled in the respective plans. Monies have been budgeted in FY 2002 for this purpose in all departments through the Flexible Benefits Plan. Additional costs for dependent coverage are borne by the employees through payroll deduction and/or monies available through the employees' Flexible Benefits Plan allotment.

Lexin/Oliva/VV

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS RESOLUTIONS:

ITEM-201: PacifiCare Behavioral Health Agreement.

(Continued from the meetings of July 9, 2001, Item 110 and July 24, 2001, Item 340; last continued at the City Manager's request for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1712)

Authorizing the City Manager to enter into an agreement with PacifiCare Behavioral Health, to provide group health insurance for the period of August 1, 2000 through July 31, 2002; declaring that the monthly cost for the mental health and chemical dependency treatment services provided by PacifiCare Behavioral Health are as follows:

Employee Only	\$ 8.23
Employee & One Dependent	\$16.49
Employee & Two Plus Dependents	\$33.57

Authorizing the expenditure of an amount not to exceed \$347,000 from Fund 600201.

CITY MANAGER SUPPORTING INFORMATION:

In an effort to provide an enhanced level of coverage for mental health and chemical dependency treatment programs, the City carves this coverage out of the PacifiCare health plans. As part of the bigger health insurance vendor search conducted in January 2000, the City's benefits

consultant, Towers Perrin, issued a Request for Proposal on behalf of the City soliciting proposals from five carriers to offer behavioral health coverage to active employees covered by the PacifiCare health plans. PacifiCare Behavioral Health was chosen as the best option to provide mental health and chemical dependency treatments for participants enrolled in the City's PacifiCare HMO and \$250 deductible plans based on service capabilities, administrative efficiency and cost.

The monthly cost for the mental health and chemical dependency treatment services provided by PacifiCare Behavioral Health for the period of August 1, 2000 through July 31, 2002 is as follows:

Employee Only	\$ 8.23
Employee & One Dependent	\$16.49
Employee & Two Plus Dependents	\$33.57

FISCAL IMPACT:

The estimated annual cost to the City is, \$347,000. This amount is based on the total number of active employees enrolled in PacifiCare HMO and PPO plans as of 8/1/2001. Monies have been budgeted in FY 2001 and FY 2002 for this purpose through the PacifiCare rates.

Lexin/Oliva/VV

Aud. Cert. 2200006.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS
RESOLUTIONS:**

ITEM-202: Group Health Agreement - PacifiCare.

(Continued from the meetings of July 9, 2001, Item 111 and July 24, 2001, Item 341; last continued at the request of the City Manager, for further review.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2001-1302)

Authorizing an agreement with PacificCare, to provide group health insurance, for a one year period beginning August 1, 2000 through July 31, 2001, and to authorize a premium rate as follows:

<u>PacifiCare HMO</u>	<u>\$250 Deductible</u>
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Employee Only	\$2,116	\$2,819
One Dependent	\$2,480	\$2,820
Two or More Dependents	\$4,504	\$5,720

Authorizing the expenditure of an amount not to exceed \$4,966,320 from Fund 600201, Account No. 9544.

CITY MANAGER SUPPORTING INFORMATION:

The City's benefits consultant, Towers Perrin, issued a Request for Proposal on behalf of the City soliciting proposals from nine carriers to offer both a fully insured Health Maintenance Organization (HMO) and Preferred Provider Organization (PPO) health insurance plan to active and retired employees and their dependents. Three proposals were received which included the incumbent Blue Cross of California. After extensive review of the responses PacifiCare of California was chosen to replace Blue Cross of California. This decision was based on PacifiCare's ability to replace Blue Cross with little to no provider disruption to City employees, retirees and their dependents while providing some enhanced benefits and at a lower cost than Blue Cross's renewal. The term of the agreement is August 1, 2000 through July 31, 2001. The annual rates for FY2001 for ACTIVE employees are as follows:

	<u>PacificCare HMO</u>	<u>\$250 Deductible</u>
Employee Only	\$2,116	\$2,819
One Dependent	\$2,480	\$2,820
Two or More Dependents	\$4,504	\$5,720

The cost of active employee coverage is paid through the Flexible Benefits Plan (FBP). Employees may cover their dependents through payroll deduction and/or remainder FBP monies.

FISCAL IMPACT:

The estimated cost to the City for active employees is \$4,966,320. This amount is based on the total number of active employees enrolled during the open enrollment period and represents the cost of coverage for the employee only (\$3,759,086) and monies designated by employees to offset the cost of their dependent (\$1,207,234). Monies have been budgeted in FY2001 for this purpose in all departments through the Flexible Benefits Plan.

Lexin/Oliva/VV

Aud. Cert.2101018.

PUBLIC NOTICES:

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that members of the public shall submit proposals to the City Clerk, who then shall transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the March 5, 2002 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	9/14/2001	127	LAST DATE (10:00 a.m.) for public to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	9/26/2001	160	Rules Committee Review
Tuesday	10/23/2001	133	LAST DATE for City Manager, department or other public agency to submit ballot proposals to City Clerk for placement on Council Docket
Monday	10/29/2001	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	11/05/2001	120	Council adopts propositions for ballot; directs City Attorney to prepare ordinances
Tuesday	11/20/2001	105	
Monday	11/26/2001	99	Council adopts ordinances prepared by City Attorney
Friday	12/07/2001	88	Last day for City Clerk to file with Registrar of Voters all election material
Thursday	12/20/2001	75	Last day to file ballot arguments with City Clerk

If you have any questions, please contact the Office of the City Clerk, at 533-4025.

PUBLIC NOTICES:

ITEM-251: Notice of Pending Final Map Approval for “Porto Siena” and “Riviera Del Sol Unit 3.”

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on those certain final maps entitled “Porto Siena” and “Riviera Del Sol Unit 3,” copies of which are available for public viewing at the Office of San Diego City Clerk. Specifically, the City Engineer has caused the maps to be examined and has made the following findings:

- 1) The maps substantially conform to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative maps.
- 2) The maps comply with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative maps.
- 3) The maps are technically correct.

Said maps will be deemed approved and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 5:00 p.m., 10 calendar days from the date of this notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the map approval findings or need additional information about the maps or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES

ITEM-252: Settlement of the Personal Injury Claim of Mara Gordon.

(R-2002-166)

Adopted as Resolution R-295198.

A Resolution approved by the City Council in Closed Session on Tuesday, July 23, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-nay; Maienschein-not present; Frye-yea; Madaffer-yea; Inzunza-not present; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$45,000 in the settlement of each and every claim against the City, its agents and employees, resulting from the personal injury to Mara Gordon (United States District Court Case No. 00cv-

1650IEG (RBB), Mara Gordon v. City of San Diego, et al.);

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$45,000 made payable to Mara Gordon and her attorney of record in full settlement of the lawsuit and all claims.

Aud. Cert. 2200038.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

PUBLIC NOTICES

ITEM-253: Settlement of the Claim of Ortiz Corporation, Inc. for the Construction of Home Avenue Trunk Sewer, Contract #2.

(R-2002-249)

Adopted as Resolution R-295217.

A Resolution approved by the City Council in Closed Session on Tuesday, July 23, 2001, by the following vote: Peters-yea; Wear-yea; Atkins-yea; Stevens-yea; Councilmember Maienschein-not present; Frye-yea; Madaffer-yea; Inzunza-yea; Mayor-yea.

Authorizing the City Manager to pay the total sum of \$325,000 in the settlement of each and every claim against the City, its agents and employees, in Claim LP-01-7777-1877, Ortiz Corporation, Inc. for an increase in expenditure of funds for Change Order No. 2 for the construction of Home Avenue Trunk Sewer, Contract #2, CIP-461391;

Authorizing the City Auditor and Comptroller to issue one check in the total amount of \$325,000 made payable to Ortiz Corporation, Inc., in full settlement of all claims in this matter. The settlement is payable as follows: \$325,000 from Fund No. 41506, Department 773, Account 4905, Job Order 173944.

Aud. Cert. 2101289.

NOTE: This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

ITEMS PULLED FROM CONSENT AGENDA

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT